

## HOUSE OF REPRESENTATIVES.

SATURDAY, March 19, 1910.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Trusting in Thy loving kindness, O Father, we draw near to Thee, not as we would, but as we are able. We bring to Thee our devout offerings; purify us, we beseech Thee, from all guile, unite us to one another in the bonds of love and peace. Pour down upon us Thy spiritual gifts and grant us every blessing, through Jesus Christ our Lord, Who taught us to pray, Our Father Who art in heaven, hallowed be Thy name, Thy kingdom come, Thy will be done on earth as it is in heaven. Give us this day our daily bread and forgive us our debts as we forgive our debtors, and lead us not into temptation, but deliver us from evil, for Thine is the kingdom and the power and the glory, forever. Amen.

The Journal of the proceedings of the legislative day of March 17 was read.

## CORRECTIONS.

Mr. BORLAND. Mr. Speaker, I desire to ask to have a correction made of the RECORD.

The SPEAKER. The RECORD or the Journal?

Mr. BORLAND. Both the Journal and the RECORD. On page 3416 of the RECORD, on a vote on the motion of the gentleman from South Dakota to take a recess until 4 o'clock, I am marked as not voting. I was here and voted "no."

The SPEAKER. The Journal and also the RECORD will be corrected, without objection.

There was no objection.

Mr. GAINES. Mr. Speaker—

Mr. BARTLETT of Georgia. Mr. Speaker, I desire to correct the RECORD.

The SPEAKER. The RECORD or the Journal?

Mr. BARTLETT of Georgia. I have not seen the Journal, but I desire—

The SPEAKER. Is it a roll call?

Mr. BARTLETT of Georgia. Yes. On page 3403 of the RECORD I am recorded as not voting. I was here and voted "present," being paired with the gentleman from Illinois [Mr. RODENBERG], and the RECORD shows that I was present and participated in the debate.

The SPEAKER. Without objection, the Journal and RECORD both will be corrected.

There was no objection.

Mr. GAINES. Mr. Speaker, in order that the Republican Members may have a conference, I move that the House do now adjourn.

The SPEAKER. The Journal has not been approved.

Mr. HUGHES of New Jersey. Mr. Speaker, I make the point of order against the motion—

The SPEAKER. The Journal has not been approved.

Mr. HARDWICK. Mr. Speaker, I make the point of order that that motion is not in order.

The SPEAKER. Are there any further suggestions to be made as to the approval of the Journal?

Mr. TILSON. Mr. Speaker, the RECORD puts me in the light of having broken a pair agreement, and I wish to make a correction.

The SPEAKER. That would not go to the Journal. The Chair will recognize the gentleman a little later. Are there any other suggestions as to a correction of the Journal? If not, the Journal, without objection—

Mr. MICHAEL E. DRISCOLL. Mr. Speaker, I wish to correct the Journal. I was present yesterday and voted "present," and my name—

The SPEAKER. The Journal will be corrected and the RECORD also. To what page does the gentleman refer?

Mr. MICHAEL E. DRISCOLL. To page 3403, I think.

Mr. GAINES. Mr. Speaker—

Mr. BYRD. Mr. Speaker—

The SPEAKER. One moment. We are trying to ascertain for a correction of the Journal and RECORD in regard to the gentleman from New York [Mr. MICHAEL E. DRISCOLL]. Has the Clerk yet located the error? The gentleman from Mississippi.

Mr. BYRD. Mr. Speaker, on page 3403 of the RECORD I am recorded as not voting and as not being present. I was present and voted "nay."

The SPEAKER. How does the gentleman desire to be recorded?

Mr. BYRD. I wish the RECORD to be corrected so as to show I voted "nay," and was present.

The SPEAKER. What page of the RECORD?

Mr. BYRD. Thirty-four hundred and two.

The SPEAKER. The correction will be made of both the Journal and the RECORD. Are those all the corrections to be made of the RECORD or the Journal? If so, the Journal will be approved.

Mr. TILSON. Mr. Speaker, some two weeks ago I entered into an agreement with the gentleman from Arkansas [Mr. CRAVENS] that I would see that he was protected by a pair during his absence, he being required to go home.

I have been doing that each day up to Thursday, and on Thursday I went to the pair clerk's desk and made arrangement for that occasion for Mr. CRAVENS to be paired with another gentleman on the Republican side. Later in the day the gentleman with whom the pair clerk had arranged that pair with Mr. CRAVENS came in and exercised his right to vote, leaving Mr. CRAVENS without a pair. Meanwhile I had no knowledge of it whatsoever, and proceeded to vote, believing that the pair still existed with Mr. CRAVENS.

The SPEAKER. Does the gentleman desire to correct the RECORD, and withdraw the vote from the Journal showing present?

Mr. TILSON. I would like to withdraw my vote on each vote. I ask unanimous consent that the Journal and the RECORD may be changed accordingly.

Mr. HUGHES of New Jersey. I desire to say in connection with that, so that unanimous consent may be obtained, that at the suggestion of the gentleman from Connecticut [Mr. TILSON] I communicated with the gentleman from Arkansas [Mr. CRAVENS] and told him that he would be so protected, having been so informed both by the gentleman from Connecticut [Mr. TILSON] and the pair clerk.

The SPEAKER. Without objection, the gentleman's vote as specified will be withdrawn and he will be recorded as present, and the RECORD also will be changed, so as to show the pair.

Mr. MURPHY. I wish to correct the RECORD. On page 3403 of the RECORD it omits to show on the call of the House that I was paired with Mr. BOOHER of Missouri, from 2 o'clock a. m. until noon.

The SPEAKER. Without objection, the RECORD will be corrected as indicated.

There was no objection.

Mr. CARLIN. Mr. Speaker, I desire to correct the RECORD. On page 3403 of the RECORD I am recorded as "not voting." I was present and voted "nay." I desire the RECORD and the Journal to be corrected.

The SPEAKER. Without objection the Journal will be corrected, and the RECORD is corrected as a matter of right.

There was no objection.

Mr. FOELKER. Mr. Speaker, the RECORD shows on page 3403 that I had not voted, when as a matter of fact I was here and did vote, and I ask that the RECORD and the Journal be changed to show that I voted "nay."

The SPEAKER. Without objection, the Journal will be corrected as indicated, and also the RECORD.

There was no objection.

The SPEAKER. Without objection, the Journal as corrected will stand approved.

There was no objection.

The SPEAKER. The Chair is prepared to rule on the matter pending before the House, and will ask the Clerk to read the resolution presented by the gentleman from Nebraska [Mr. NORRIS].

The Clerk read as follows:

House resolution 502.

Resolved, That the rules of the House be amended as follows:

"The Committee on Rules shall consist of 15 members, 9 of whom shall be members of the majority party and 6 of whom shall be members of the minority party, to be selected as follows:

"The States of the Union shall be divided by a committee of three, elected by the House for that purpose, into nine groups, each group containing, as near as may be, an equal number of Members belonging to the majority party. The States of the Union shall likewise be divided into six groups, each group containing, as near as may be, an equal number of Members belonging to the minority party.

"At 10 o'clock a. m. of the day following the adoption of the report of said committee each of said groups shall meet and select one of its number a member of the Committee on Rules. The place of meeting for each of said groups shall be designated by the said committee of three in its report. Each of said groups shall report to the House the name of the Member selected for membership on the Committee on Rules.

"The Committee on Rules shall select its own chairman. "The Speaker shall not be eligible to membership on said committee. "All rules or parts thereof inconsistent with the foregoing resolution are hereby repealed."

The SPEAKER. To that resolution the gentleman from Pennsylvania [Mr. DALZELL] made the point of order that its con-

sideration should not be entered upon contrary to the rules of the House, as provided under a demand for the regular order.

The Chair has been somewhat criticised because in this matter he has been slow to rule. But the question which was brought so unexpectedly upon the attention of the House, in a revolutionary manner, as it seems to the Chair, is of such transcendent importance to the future procedure of the House that the fullest, even the most protracted, discussion seemed justifiable. In no other manner could the most complete information be brought to the consideration of the question, and in no other way could the largest participation of the membership of the House be assured.

The question of constitutional privilege in this House has not been reviewed, and the principles governing for the last thirty years have not, prior to this week, been questioned in this House for many years. Those principles are relatively simple. It has been held always that the ordinary legislative duties and functions of the House, exercised by authority of the Constitution, must proceed according to the order prescribed by the rules. The fact that the Constitution says that the House "shall have power to" lay taxes, regulate commerce, make naturalization laws, coin money, establish post-offices, create courts, support armies and a navy, and so forth, has not given these subjects when embodied in bills any right to disturb the order of business provided by the rules. The very object of the rules is to provide an orderly way for considering those and other subjects entrusted to the House's judgment. To give all those subjects constitutional privilege would be to establish constitutional chaos in the House.

There are, however, certain functions which the Constitution enjoins on Congress to do, and also fixes the time for doing these things. Thus, the clause directing the disposition of a bill vetoed by the President says that the House "shall proceed" to consider it. This has always been understood as meaning that the House should at once proceed to some act of consideration. And therefore it has been held that no rule should prevent the House from proceeding to this constitutional duty. In like manner the Constitution specifies that the Congress shall provide for a census of population and an apportionment of Representatives, and specifies the time when it shall do it—every tenth year. Therefore, on the tenth year, bills to make the required provision have been admitted without regard to the requirements of the House rules. Whether that construction proceeded too far when the Constitution gave a year within which to perform the duty, is a matter as to which there might be doubt.

But for thirty years the practice was unvarying; and when confronted with the question this week, the Chair followed the practice of the House, as he would obey every other rule, without questioning the wisdom that originally created it.

To-day, however, the Chair is asked to permit a proposition for a new rule to come in, although the rules prescribing the order of business require us to proceed to other matters, and it is claimed that the Chair would be justified in doing this because the Constitution says that "each House may determine the rules of its proceeding." Whether the word "may" means "shall" or not, the Chair will not stop to examine. The Constitution fixes no time when rules shall be adopted; and as the House may, and has in one notable instance, proceeded without rules, it does not seem to the Chair that there is here given any constitutional mandate which would justify the overriding of the rules. Fortunately in this crisis the Chair is not compelled to rely on his own judgment, swayed as he might be by the passions and purposes of this hour. He can look back to another hour, when in a day of calm the navigators who steered the business of this House took their latitude and longitude unembarrassed by the exigencies of tempest.

The pathway of the Chair has been blazed, not by any flushed majority in a moment of factional success, not for any ends of one political party as opposed to the wishes of another political party, not under auspices which prejudice the Chair because of memories of political affiliation of his own, but on a question of order raised by a great Democratic floor leader of this House, and decided by a great Democratic Speaker.

On December 13, 1878, this identical question arose in this House. Mr. Roger Q. Mills, of Texas, proposed as a question of constitutional privilege, exactly as is proposed to-day, to offer from the floor for immediate consideration a proposition looking to the amendment of the rules. And when objection was made, as it is made to-day, Mr. Mills argued:

It is the constitutional privilege of a House of Representatives to adopt rules at any time; it is a continuing power of which the House can not divest itself.

The Members of the House did not agree with Mr. Mills, and Mr. James A. Garfield objected that it was proposed—to carry the power of the House in this respect further than the

Constitution justifies. If the position of the gentleman were correct, a Member could at any time interrupt our proceedings by bringing in a proposition for the amendment of the rules.

The great Democratic Speaker—and the Chair measures his words in memory of the fame of a man who was the peer of his associates, the civil war leaders who yet lingered on this floor—the great Speaker, Samuel J. Randall, heard the arguments for and against the claim of Mr. Mills, and decided that the proposition to amend the rules was not a case of constitutional privilege. There was criticism, grave criticism, of the rules in those days, as there is to-day, but no man in that House thought of appealing from a decision so consonant with reason.

Planting himself upon the law made for the House by Mr. Speaker Randall, appealing from the passion of this day to the just reasons of that day, the Chair sustains the point of order and holds that the resolution is not in order. [Loud and long-continued applause on the Republican side.]

Mr. NORRIS. Mr. Speaker, I appeal from the decision; and on that I move the previous question.

The SPEAKER. The gentleman from Nebraska appeals from the decision of the Chair.

Mr. DALZELL. I move to lay the appeal on the table.

Mr. GAINES. Mr. Speaker—

The SPEAKER. One moment.

Mr. GAINES. I move that the House do now adjourn.

The SPEAKER. The Chair will say to the gentleman—

Mr. NORRIS. I concede, Mr. Speaker, that the motion of the gentleman from Pennsylvania has precedence over mine.

The SPEAKER. Correct; and pending that the gentleman from West Virginia moves that the House do adjourn, which has precedence over both motions.

The question was taken.

Mr. FOELKER. Yeas and nays, Mr. Speaker.

The SPEAKER. On a viva voce vote the noes seem to have it; the noes have it, and the House refuses to adjourn. The gentleman from Pennsylvania moves to lay the appeal from the decision of the Chair, made by the gentleman from Nebraska, on the table.

Mr. DALZELL and Mr. CLARK of Missouri. Yeas and nays!

The yeas and nays were ordered.

The question was taken; and there were—yeas 164, nays 182, answered "present" 6, not voting 37, as follows:

#### YEAS—164.

Alexander, N. Y.	Englebright	Lafan	Plumley
Allen	Fassett	Langham	Pray
Andrus	Focht	Langley	Prince
Austin	Fordney	Law	Reeder
Barclay	Foss	Lawrence	Reynolds
Barnard	Foster, Vt.	Longworth	Roberts
Bartholdt	Gaines	Loud	Rodenberg
Bates	Gardner, Mich.	Loudenslager	Scott
Bennet, N. Y.	Gardner, N. J.	Lowden	Sheffield
Bennett, Ky.	Gillett	Lundin	Simmons
Bingham	Goebel	McCall	Smith, Cal.
Boutell	Graft	McCreary	Smith, Iowa
Bradley	Graham, Pa.	McCredie	Smith, Mich.
Brownlow	Grant	McGuire, Okla.	Snapp
Burke, Pa.	Greene	McKinley, Ill.	Southwick
Burke, S. Dak.	Griest	McKinney	Sperry
Burling	Guernsey	McLachlan, Cal.	Stafford
Butler	Hamer	McLaughlin, Mich.	Sterling
Calder	Hamilton	McMorrin	Stevens, Minn.
Calderhead	Hanna	Madden	Sturgiss
Campbell	Hawley	Malby	Sulloway
Cocks, N. Y.	Heald	Mann	Swasey
Cole	Henry, Conn.	Miller, Kans.	Tawney
Cook	Higgins	Millington	Tener
Cooper, Pa.	Hollingsworth	Mondell	Thistlewood
Coudrey	Howell, N. J.	Moon, Pa.	Thomas, Ohio
Cowles	Howell, Utah	Moore, Pa.	Tilson
Creager	Hubbard, W. Va.	Morehead	Tirrell
Crumpacker	Huff	Morgan, Mo.	Townsend
Currier	Hughes, W. Va.	Morgan, Okla.	Vreeland
Dalzell	Hull, Iowa	Moxley	Wanger
Dawson	Humphrey, Wash.	Murphy	Washburn
Denby	Joyce	Needham	Weeks
Dodds	Kahn	Nye	Wheeler
Douglas	Keifer	Olcott	Wiley
Draper	Kennedy, Iowa	Olmsted	Wilson, Ill.
Driscoll, M. E.	Kennedy, Ohio	Palmer, H. W.	Wood, N. J.
Durey	Knapp	Parker	Woodyard
Dwight	Knowland	Parsons	Young, Mich.
Edwards, Ky.	Kronmiller	Payne	Young, N. Y.
Ellis	Küstermann	Pearre	The Speaker

#### NAYS—182.

Adair	Borland	Clayton	Dickinson
Adamson	Bowers	Cline	Dickson, Miss.
Aiken	Brantley	Collier	Dies
Alexander, Mo.	Broussard	Conry	Dixon, Ind.
Ames	Burleson	Cooper, Wis.	Driscoll, D. A.
Ansberry	Burnett	Covington	Edwards, Ga.
Ashbrook	Byrd	Cox, Ind.	Ellerbe
Barnhart	Byrns	Cox, Ohio	Ferris
Bartlett, Ga.	Candler	Craig	Finley
Bartlett, Nev.	Cantrill	Cullop	Fish
Beall, Tex.	Carlin	Davidson	Fitzgerald
Bell, Ga.	Carter	Davis	Flood, Va.
Boehne	Cary	Dent	Floyd, Ark.
Booher	Clark, Mo.	Denver	Foelker



Fornes	Hobson	Martin, Colo.	Saunders
Foster, Ill.	Houston	Martin, S. Dak.	Shackleford
Fowler	Howard	Miller, Minn.	Sharp
Gallagher	Howland	Moore, Tex.	Sheppard
Gardner, Mass.	Hubbard, Iowa	Morrison	Sherwood
Garner, Tex.	Hughes, Ga.	Morse	Sims
Garrett	Hughes, N. J.	Moss	Sisson
Gill, Md.	Hull, Tenn.	Murdoch	Slayden
Gill, Mo.	Humphreys, Miss.	Nelson	Small
Gillespie	James	Norris	Smith, Tex.
Gilmore	Johnson, Ky.	Oldfield	Sparkman
Godwin	Johnson, Ohio	Padgett	Spight
Goldfogle	Johnson, S. C.	Page	Stanley
Good	Jones	Palmer, A. M.	Steenerson
Gordon	Kellher	Patterson	Stephens, Tex.
Goulden	Kendall	Peters	Talbott
Graham, Ill.	Kinkaid, Nebr.	Pickett	Taylor, Colo.
Gregg	Kincaid, N. J.	Poindexter	Taylor, Ohio
Gronna	Kitchin	Pou	Thomas, Ky.
Hamill	Kopp	Pujo	Thomas, N. C.
Hamlin	Lamb	Raney	Tou Velle
Hammond	Latta	Ransdell, La.	Turnbull
Hardwick	Lee	Rauch	Underwood
Hardy	Lenroot	Rhinock	Volstead
Harrison	Lindbergh	Richardson	Watkins
Haugen	Lindsay	Robinson	Webb
Hay	Livingston	Roddenbery	Wickliffe
Hayes	Lloyd	Rothermel	Willett
Helm	McDermott	Rucker, Colo.	Wilson, Pa.
Henry, Tex.	McHenry	Rucker, Mo.	Woods, Iowa
Hinshaw	Madison	Russell	
Hitchcock	Maguire, Nebr.	Sabath	

## ANSWERED "PRESENT"—6.

Barchfeld	Clark, Fla.	Lever	Pratt
Cassidy	Estopinal		

## NOT VOTING—37.

Anderson	Fairchild	McKinlay, Cal.	Riordan
Anthony	Foulkrod	Macon	Sherley
Burgess	Fuller	Maynard	Slomp
Capron	Garner, Pa.	Mays	Sulzer
Chapman	Glass	Moon, Tenn.	Taylor, Ala.
Cravens	Hedlin	Mudd	Wallace
Crow	Hill	Nicholls	Weisse
Diekema	Jamieson	O'Connell	
Elvins	Korbly	Randell, Tex.	
Esch	Legare	Reld	

So the motion to lay the appeal on the table was rejected.

The following pairs were announced:

For the session:

Mr. HILL with Mr. GLASS.

Until further notice:

Mr. FULLER with Mr. JAMIESON.

Mr. CROW with Mr. ANDERSON.

Mr. ANDRUS with Mr. RIORDAN.

Mr. MUDD with Mr. WEISSE.

Mr. GARNER of Pennsylvania with Mr. RANDELL of Texas.

Mr. FOULKROD with Mr. MOON of Tennessee.

Mr. ESCH with Mr. MACON.

Mr. ANTHONY with Mr. HEFLIN.

Mr. DIEKEMA with Mr. CRAVENS.

Mr. MCKINLAY of California with Mr. CLARK of Florida.

Mr. CAPRON with Mr. O'CONNELL.

From March 3 to March 20:

Mr. CASSIDY with Mr. BURGESS.

From March 23, one week, inclusive:

Mr. PRATT with Mr. NICHOLLS.

From Friday until Tuesday morning:

Mr. FAIRCHILD with Mr. ESTOPINAL.

From 4.40 p. m. March 18 to Monday, March 21, 12 o'clock;

Mr. SLEMP with Mr. MAYNARD.

From to-day until March 25, inclusive:

Mr. BARCHFELD with Mr. SHERLEY.

From March 14 until March 21:

Mr. ELVINS with Mr. KORBLY.

From March 12 until Monday, March 21:

Mr. CHAPMAN with Mr. LEVER.

Mr. CASSIDY. Mr. Speaker, I desire to ask if the gentleman from Texas [Mr. BURGESS] is recorded as voting. I voted "no;" but if Mr. BURGESS is not recorded, I desire to change my vote to "present."

The SPEAKER. Mr. BURGESS is not recorded. Call the gentleman's name.

The Clerk called Mr. CASSIDY's name, and he voted "present."

The result of the vote was then announced as above recorded. [Loud applause on the Democratic side.]

Mr. NORRIS. Mr. Speaker—

The SPEAKER. The gentleman from Nebraska.

Mr. NORRIS. Mr. Speaker, inasmuch as we have been debating this point of order for two days, I do not suppose anybody desires any further debate, and therefore I move the previous question on the appeal.

Mr. BURKE of Pennsylvania. Mr. Speaker, will the gentleman withhold his demand a moment?

Mr. NORRIS. I yield to the gentleman from Pennsylvania.

Mr. BURKE of Pennsylvania. I understood the gentleman from Nebraska to state that he assumed that no further discussion was desired by any of the Members of the House. I have no doubt that that is an honest assumption, but I wish to state to the gentleman that there is a desire upon the part of Members who have not discussed the point of order or the merits of the resolution, and I hope the gentleman will withhold his motion. [Cries of "No!" "No!"]

Mr. NORRIS. Mr. Speaker, I would suggest to the gentleman from Pennsylvania that this motion for the previous question on the appeal does not affect the merits, or the discussion of the merits, of the resolution itself. Why, this point of order was before the House all night, when the gentleman was in bed, and he might have been here to debate it then.

The SPEAKER. The gentleman from Nebraska moves the previous question on the appeal. The question pending before the House is, Shall the decision of the Chair stand as the judgment of the House? Upon that question the gentleman from Nebraska moves the previous question.

Mr. DALZELL. On that I demand the yeas and nays.

Mr. TAWNEY. On that we ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 183, nays 160, answered "present" 7, not voting 39, as follows:

## YEAS—183

Adair	Dixon, Ind.	Howland	Poindexter
Adamson	Driscoll, D. A.	Hubbard, Iowa	Pou
Aiken	Edwards, Ga.	Hughes, Ga.	Pujo
Alexander, Mo.	Ellerbe	Hughes, N. J.	Raney
Ames	Ferris	Hull, Tenn.	Ransdell, La.
Amesbury	Finley	Humphreys, Miss.	Rauch
Ashbrook	Fish	James	Rhinock
Barnhart	Fitzgerald	Johnson, Ky.	Richardson
Bartlett, Ga.	Flood, Va.	Johnson, Ohio	Robinson
Bartlett, Nev.	Floyd, Ark.	Johnson, S. C.	Roddenbery
Beall, Tex.	Foelker	Jones	Rothermel
Bell, Ga.	Fornes	Kellher	Rucker, Colo.
Boehne	Foster, Ill.	Kendall	Rucker, Mo.
Booher	Fowler	Kinkaid, Nebr.	Russell
Borland	Gallagher	Kincaid, N. J.	Sabath
Bowers	Gardner, Mass.	Kitchin	Saunders
Brantley	Garner, Tex.	Kopp	Shackleford
Broussard	Garrett	Lamb	Sharp
Burleson	Gill, Md.	Latta	Sheppard
Burnett	Gill, Mo.	Lee	Sherwood
Byrd	Gillespie	Lenroot	Sims
Byrns	Gilmore	Lindbergh	Sisson
Candler	Godwin	Lindsay	Slayden
Cantrill	Goldfogle	Livingston	Small
Carlin	Good	Lloyd	Smith, Tex.
Carter	Gordon	McDermott	Sparkman
Cary	Goulden	McHenry	Spight
Clark, Mo.	Graham, Ill.	Madison	Stanley
Clayton	Gregg	Maguire, Nebr.	Steenerson
Cline	Gronna	Martin, Colo.	Stephens, Tex.
Collier	Hamill	Martin, S. Dak.	Talbott
Conry	Hamlin	Miller, Minn.	Taylor, Colo.
Cooper, Wis.	Hammond	Moore, Tex.	Taylor, Ohio
Covington	Hardwick	Morrison	Thomas, Ky.
Cox, Ind.	Hardy	Morse	Thomas, N. C.
Cox, Ohio	Harrison	Moss	Tou Velle
Craig	Haugen	Murdoch	Turnbull
Cullop	Hay	Nelson	Underwood
Davidson	Hayes	Norris	Volstead
Davis	Helm	Oldfield	Watkins
Dawson	Henry, Tex.	Padgett	Webb
Dent	Hinshaw	Page	Wickliffe
Denver	Hitchcock	Palmer, A. M.	Willett
Dickinson	Hobson	Patterson	Wilson, Pa.
Dickson, Miss.	Houston	Peters	Woods, Iowa
Dies	Howard	Pickett	

## NAYS—160.

Alexander, N. Y.	Douglas	Howell, N. J.	McLaughlin, Mich.
Allen	Draper	Howell, Utah	McMorran
Austin	Driscoll, M. E.	Hubbard, W. Va.	Madden
Barclay	Durey	Huff	Malby
Barnard	Dwight	Hull, Iowa	Mann
Bartholdt	Edwards, Ky.	Humphrey, Wash.	Miller, Kans.
Bates	Ellis	Joyce	Millington
Bennet, N. Y.	Englebright	Kahn	Mondell
Bennett, Ky.	Fassett	Keifer	Moon, Pa.
Bingham	Focht	Kennedy, Iowa	Moore, Pa.
Boutell	Fordney	Kennedy, Ohio	Morehead
Bradley	Foss	Knapp	Morgan, Okla.
Brownlow	Foster, Vt.	Knowland	Moxley
Burke, Pa.	Gaines	Kronmiller	Murphy
Burke, S. Dak.	Gardner, Mich.	Kusterman	Needham
Burleigh	Gardner, N. J.	Lafan	Nye
Butler	Gillett	Langham	Olcott
Calder	Goebel	Langley	Olmsted
Calderhead	Graft	Law	Palmer, H. W.
Campbell	Graham, Pa.	Lawrence	Parker
Cocks, N. Y.	Grant	Longworth	Parsons
Cole	Greene	Loud	Payne
Cook	Griest	Loudenslager	Pearre
Cooper, Pa.	Guernsey	Lowden	Plumley
Coudrey	Hamer	Lundin	Pray
Cowles	Hamilton	McCall	Prince
Creager	Hanna	McCreary	Reeder
Crumppacker	Hawley	McCredie	Reynolds
Currier	Heald	McGuire, Okla.	Roberts
Dalzell	Healy, Conn.	McKinley, Ill.	Roddenberg
Danby	Higgins	McKinney	Scott
Dodds	Hollingsworth	McLachlan, Cal.	Sheffield

Simmons	Sterling	Thomas, Ohio	Wheeler
Smith, Cal.	Stevens, Minn.	Tilson	Wiley
Smith, Iowa	Sturgiss	Tirrell	Wilson, Ill.
Smith, Mich.	Sulloway	Townsend	Wood, N. J.
Snapp	Swasey	Vreeland	Woodward
Southwick	Tawney	Wanger	Young, Mich.
Sperry	Tener	Washburn	Young, N. Y.
Stafford	Thistlewood	Weeks	The Speaker

## ANSWERED "PRESENT"—7.

Andrus	Cassidy	Estopinal	Pratt
Barchfeld	Clark, Fla.	Lever	

## NOT VOTING—39.

Anderson	Fairchild	Legare	Randell, Tex.
Anthony	Foulkrod	McKinlay, Cal.	Reid
Burgess	Fuller	Macon	Riordan
Capron	Garner, Pa.	Maynard	Sherley
Chapman	Glass	Mays	Slemp
Cravens	Heflin	Moon, Tenn.	Sulzer
Crow	Hill	Morgan, Mo.	Taylor, Ala.
Diekema	Hughes, W. Va.	Mudd	Wallace
Elvins	Jamieson	Nicholls	Weisse
Esch	Korbly	O'Connell	

So the previous question was ordered.

The following additional pairs were announced:

Until further notice:

Mr. MORGAN of Missouri with Mr. REID.

Mr. HUGHES of West Virginia with Mr. MAYS.

The SPEAKER. On this vote the ayes are 183 and the noes are 160. The previous question is ordered. The question now is, Shall the decision of the Chair stand as the judgment of the House?

Mr. DALZELL. And on that we demand the yeas and nays.

The yeas and nays were ordered.

Mr. JAMES. Mr. Speaker, I ask that the question be stated again. There was so much confusion on this side of the Chamber that some Members did not hear it.

The SPEAKER pro tempore (Mr. OLMSTED). The question is, Shall the decision of the Chair stand as the judgment of the House?

The question was taken; and there were—yeas 161, nays 182, answered "present" 7, not voting 37, as follows:

## YEAS—162.

Alexander, N. Y.	Fassett	Langham	Pray
Allen	Focht	Langley	Prince
Austin	Fordney	Law	Reeder
Barclay	Foss	Lawrence	Reynolds
Barnard	Foster, Vt.	Longworth	Roberts
Bartholdt	Gaines	Loud	Rodenberg
Bates	Gardner, Mich.	Loudenslager	Scott
Bennet, N. Y.	Gardner, N. J.	Lowden	Sheffield
Bennett, Ky.	Gillett	Lundin	Simmons
Bingham	Goebel	McCall	Smith, Cal.
Boutell	Graff	McCreary	Smith, Iowa
Bradley	Graham, Pa.	McCredie	Smith, Mich.
Brownlow	Grant	McGuire, Okla.	Snapp
Burke, Pa.	Greene	McKinley, Ill.	Southwick
Burke, S. Dak.	Griest	McKinney	Sperry
Burleigh	Guernsey	McLachlan, Cal.	Stafford
Butler	Hamer	McLaughlin, Mich.	Sterling
Calder	Hamilton	McMorran	Stevens, Minn.
Calderhead	Hanna	Madden	Sturgiss
Campbell	Hawley	Malby	Sulloway
Cocks, N. Y.	Heald	Mann	Swasey
Cole	Henry, Conn.	Miller, Kans.	Tawney
Cook	Higgins	Millington	Tener
Cooper, Pa.	Hollingsworth	Mondell	Thistlewood
Coudrey	Howell, N. J.	Moon, Pa.	Thomas, Ohio
Cowles	Howell, Utah	Moore, Pa.	Tilson
Creager	Hubbard, W. Va.	Morehead	Tirrell
Crumpacker	Huff	Morgan, Mo.	Townsend
Currier	Hughes, W. Va.	Moxley	Vreeland
Dalzell	Hull, Iowa	Murphy	Wanger
Dawson	Humphrey, Wash.	Needham	Washburn
Denby	Joyce	Nye	Weeks
Dodds	Kahn	Olcott	Wheeler
Douglas	Keifer	Olmsted	Wiley
Draper	Kennedy, Iowa	Palmer, H. W.	Wilson, Ill.
Driscoll, M. E.	Kennedy, Ohio	Parker	Wood, N. J.
Durey	Knapp	Parsons	Woodward
Dwight	Knowland	Payne	Young, Mich.
Edwards, Ky.	Kronmiller	Pearre	Young, N. Y.
Ellis	Klistermann	Plumley	
Englebright	Lafean		

## NAYS—182.

Adair	Byrd	Dent	Gardner, Mass.
Adamson	Byrns	Denver	Garnier, Tex.
Aiken	Candler	Dickinson	Garrett
Alexander, Mo.	Cantrill	Dickson, Miss.	Gill, Md.
Ames	Carlin	Dies	Gill, Mo.
Ansberry	Carter	Dixon, Ind.	Gillespie
Ashbrook	Cary	Driscoll, D. A.	Gilmore
Barnhart	Clark, Mo.	Edwards, Ga.	Godwin
Bartlett, Ga.	Clayton	Ellerbe	Goldfogle
Bartlett, Nev.	Cline	Ferris	Good
Beall, Tex.	Collier	Fish	Gordon
Bell, Ga.	Conry	Fitzgerald	Goulden
Boehne	Cooper, Wis.	Flood, Va.	Graham, Ill.
Boher	Covington	Floyd, Ark.	Gregg
Borland	Cox, Ind.	Foelker	Gronna
Bowers	Cox, Ohio	Fornes	Hamill
Brantley	Craig	Foster, Ill.	Hamlin
Broussard	Cullop	Fowler	Hammond
Burleson	Davidson	Gallagher	Hardwick
Burnett	Davis		Hardy

Harrison	Kitchin	Page	Sisson
Haugen	Kopp	Palmer, A. M.	Slayden
Hay	Lamb	Patterson	Small
Hayes	Latta	Peters	Smith, Tex.
Helm	Lee	Pickett	Sparkman
Henry, Tex.	Lenroot	Polindexter	Spight
Hinshaw	Lindbergh	Pou	Stanley
Hitchcock	Lindsey	Pujo	Steenerson
Hobson	Livingston	Rainey	Stephens, Tex.
Houston	Lloyd	Ransdell, La.	Talbot
Howard	McDermott	Rauch	Taylor, Colo.
Howland	McHenry	Rhinock	Taylor, Ohio
Hubbard, Iowa	Madison	Richardson	Thomas, Ky.
Hughes, Ga.	Maguire, Nebr.	Robinson	Thomas, N. C.
Hughes, N. J.	Martin, Colo.	Roddenbery	Tou Velle
Hull, Tenn.	Martin, S. Dak.	Rothermel	Turnbull
Humphreys, Miss.	Miller, Minn.	Rucker, Colo.	Underwood
James	Moore, Tex.	Rucker, Mo.	Volstead
Johnson, Ky.	Morrison	Russell	Watkins
Johnson, Ohio	Morse	Sabath	Webb
Johnson, S. C.	Moss	Saunders	Wickliffe
Jones	Murdock	Shackleford	Willett
Kelther	Nelson	Sharp	Wilson, Pa.
Kendall	Norris	Sheppard	Woods, Iowa
Kinkaid, Nebr.	Oldfield	Sherwood	
Kinthead, N. J.	Padgett	Sims	

## ANSWERED "PRESENT"—7.

Andrus	Cassidy	Estopinal	Pratt
Barchfeld	Clark, Fla.	Lever	

## NOT VOTING—37.

Anderson	Fairchild	McKinlay, Cal.	Riordan
Anthony	Foulkrod	Macon	Sherley
Burgess	Fuller	Maynard	Slemp
Capron	Garner, Pa.	Mays	Sulzer
Chapman	Glass	Moon, Tenn.	Taylor, Ala.
Cravens	Heflin	Mudd	Wallace
Crow	Hill	Nicholls	Weisse
Diekema	Jamieson	O'Connell	
Elvins	Korbly	Randell, Tex.	
Esch	Legare	Reid	

The SPEAKER pro tempore. The yeas are 162 and the nays are 182. The decision of the Chair does not stand as the judgment of the House. The Clerk will read the resolution now pending before the House.

The Clerk read as follows:

## House resolution 502.

Resolved, That the Rules of the House be amended as follows:

"The Committee on Rules shall consist of 15 members, 9 of whom shall be members of the majority party and 6 of whom shall be members of the minority party, to be selected as follows:

"The States of the Union shall be divided, by a committee of three, elected by the House for that purpose, into nine groups, each group containing, as near as may be, an equal number of Members belonging to the majority party. The States of the Union shall likewise be divided into six groups, each group containing, as near as may be, an equal number of Members belonging to the minority party.

"At 10 o'clock ante meridian of the day following the adoption of the report of said committee each of said groups shall meet and select one of its members a member of the Committee on Rules. The place of meeting for each of said groups shall be designated by the said committee of three in its report. Each of said groups shall report to the House the name of the Member selected for membership on the Committee on Rules.

"The Committee on Rules shall select its own chairman.

"The Speaker shall not be eligible to membership on said committee. "All rules or parts thereof inconsistent with the foregoing resolution are hereby repealed."

Mr. NORRIS. Mr. Speaker, I would like to see if we can not have an agreement as to time for debate. I would like to ask the gentleman from Pennsylvania if we can come to any agreement.

Mr. DALZELL. What time would the gentleman from Nebraska suggest?

Mr. NORRIS. I would suggest that we have an hour and a half on each side. Would that meet with the approval of the House?

Mr. DALZELL. That will be satisfactory to us.

Mr. NORRIS. Then, Mr. Speaker, I will ask unanimous consent that the debate on this resolution, and all amendments or substitutes thereto, be limited to one hour and a half on each side, the time to be controlled on the one side by the gentleman from Pennsylvania and on the other side by myself.

Mr. MANN. Reserving the right to object, Mr. Speaker, I would like to ask the gentleman what about amendments?

Mr. NORRIS. I was going to suggest a similar proposition on the amendments.

Mr. MANN. I understand, but are amendments to be disposed of at the time they are offered, or are they to be disposed of after the conclusion of the debate?

Mr. NORRIS. I did not hear the last part of the gentleman's remark.

The SPEAKER. The gentleman from Illinois desires to know when the amendments are to be offered.

Mr. MANN. Under the gentleman's proposition, any amendment might take up the entire time of debate, and would have to be disposed of—

Mr. NORRIS. I will say that I expect to offer at the beginning of the discussion a substitute for the resolution pending,



and I would like to have unanimous consent that the gentleman from Pennsylvania be allowed to offer a substitute if he wishes to, or an amendment in the nature of a substitute, and that the previous question be considered as ordered on all amendments and substitutes to the resolution to final passage at the close of the debate.

Mr. RODENBERG. Mr. Speaker, I object to the request of the gentleman from Nebraska.

Mr. DALZELL. May I ask what the gentleman's objection is—to the time?

Mr. RODENBERG. Yes.

Mr. NORRIS. Did I understand that there was objection made to the unanimous consent?

The SPEAKER. Yes.

Mr. NORRIS. Mr. Speaker, if the objection is of such a nature that any additional proposition should be contained in the request, I would like to hear from the gentleman. I am willing to concede any reasonable proposition as to this debate.

Mr. RODENBERG. I think the time is entirely too short on an important matter such as this.

Mr. NORRIS. How much time does the gentleman think we ought to have?

Mr. RODENBERG. I think we ought to have at least five hours a side.

Mr. NORRIS. I would not want to agree to as long a debate as that. We have been debating this now for some time.

Mr. RODENBERG. I would compromise on two and a half hours on a side.

Mr. MANN. We better have a week's time, I think.

Mr. NORRIS. Would the gentleman be willing to agree to two hours on a side?

Mr. MANN. Mr. Speaker, I suggest to the gentleman that at the end of four hours or two hours or any other time he will have the right to move the previous question.

Mr. NORRIS. Well, I will have to have the floor in order to move the previous question.

Mr. MANN. The gentleman could reserve part of his time and doubtless get the floor. He is in charge of the measure, and I suppose the Speaker will recognize him at any time.

The SPEAKER. The Chair calls the attention of the gentleman from Nebraska to the fact that the previous question carries with it its own right to recognition. Under the rule there can not be a period of more than one hour during which time that right can not be exercised.

Mr. TAWNEY. Mr. Speaker, I desire to ask the gentleman from Nebraska whether this hour and a half on a side will deprive Members of the opportunity of discussing amendments that may be offered to his proposition when the amendment is offered.

Mr. NORRIS. Well, I think it would not, unless the gentleman desiring to discuss any amendment had spoken prior to the time of the offering of the amendment, and then it would.

Mr. MANN. If the previous question were offered at the end of three hours, nobody would have a chance to discuss or offer an amendment.

Mr. TAWNEY. That is the reason I propounded this inquiry.

Mr. NORRIS. I suppose we can agree, then, that all amendments or substitutes must be offered within one hour of the time of the beginning of the debate, and that all voting will take place at the close of the discussion.

Mr. TAWNEY. That could only be done by unanimous consent.

Mr. NORRIS. That could only be done by unanimous consent.

Mr. KEIFER. Offer the amendments at the close of the general debate?

Mr. MANN. With no chance to discuss them? I shall object to that.

Mr. DALZELL. Mr. Speaker, I think we had better proceed under the rules. [Cries of "Regular order!"]

The SPEAKER. The regular order is demanded. The gentleman from Nebraska has the floor.

Mr. NORRIS. Mr. Speaker, while personally I prefer the resolution which I offered the other day and which is now before the House over the substitute which I am going to offer, yet my associates, or a good many of them at least, are of the opinion that the substitute which I intend to offer is better than the original resolution. Therefore, in accordance with their wishes, I expect to support the substitute which I now send to the Clerk's desk for the resolution that is now pending.

The SPEAKER. Does the gentleman now offer the substitute or does he desire to have it read for information?

Mr. NORRIS. I offer the substitute.

The SPEAKER. The gentleman from Nebraska offers the following amendment by way of substitute, which the Clerk will report.

The Clerk read as follows:

House resolution 502.

*Resolved*, That the rules of the House of Representatives be amended as follows:

"1. In Rule X, paragraph 1, strike out the words 'on Rules, to consist of five Members.'

"2. Add new paragraph to Rule X, as follows:

"Paragraph 5. There shall be a Committee on Rules, elected by the House, consisting of 10 Members, 6 of whom shall be Members of the majority party and 4 of whom shall be Members of the minority party. The Speaker shall not be a member of the committee and the committee shall elect its own chairman from its own members."

*Resolved further*, That within ten days after the adoption of this resolution there shall be an election of this committee, and immediately upon its election the present Committee on Rules shall be dissolved."

Mr. MARTIN of South Dakota. Mr. Speaker—

The SPEAKER. Does the gentleman yield?

Mr. NORRIS. I yield for a question.

Mr. MARTIN of South Dakota. Mr. Speaker—

Mr. MANN. Mr. Speaker—

The SPEAKER. To whom does the gentleman from Nebraska yield?

Mr. MANN. Mr. Speaker, I make the point of order the gentleman from Nebraska has not the floor.

Mr. NORRIS. Mr. Speaker, I said I would yield to the gentleman from South Dakota.

Mr. MANN. Mr. Speaker, I submit the gentleman from Nebraska—

The SPEAKER. For what purpose does the gentleman rise?

Mr. MANN. To submit that the gentleman from Nebraska is not entitled to the floor. The gentleman from Nebraska was recognized for one hour. During that time he offered an amendment. When he offered the amendment he lost the floor and is not entitled to recognition now for another hour, to which, if he were recognized, he would have in preference to recognition from the other side. If the gentleman from Nebraska can offer an amendment and obtain the floor now for an hour, he can retain the floor for the balance of the afternoon by offering amendment after amendment.

The SPEAKER. The point of order is well taken by the gentleman from Illinois; although the gentleman from Nebraska, being the original proposer of the resolution, had not proceeded to debate, but in the moment offers a substitute by way of amendment, and it would be the duty of the Chair in that case to recognize the gentleman if he applies for recognition upon the substitute, not on the original proposition. You may say this amounts to a new recognition, but it would not be, as the gentleman had not proceeded to debate.

Mr. MANN. I understood the gentleman had proceeded to debate.

The SPEAKER. Not on the merits of the proposition.

Mr. MARTIN of South Dakota. Mr. Speaker, I desire to offer an amendment as a substitute to the amendment of the gentleman.

Mr. NORRIS. I can not yield to the gentleman for the purpose without losing the floor, as the gentleman understands, and while I want to get an agreement in regard to time of debate and the offering of amendments, that being denied, I can not yield to the gentleman, I am sorry to say, under the parliamentary situation.

Mr. MARTIN of South Dakota. Mr. Speaker, I would then ask unanimous consent to have the amendment read as considered as pending.

Mr. NORRIS. I would say to the gentleman that in accordance with his request I expect to yield him some time, even out of the hour I have, and he can offer his amendment in that time.

Mr. GAINES. The gentleman from Nebraska could permit the gentleman from South Dakota to have his amendment read, and the gentleman from South Dakota ought to agree to that. [Cries of "Regular order!"]

The SPEAKER. The gentleman declines to yield.

Mr. NORRIS. Now, Mr. Speaker, I yield to the gentleman from Missouri [Mr. CLARK] five minutes.

Mr. DOUGLAS. Mr. Speaker, a parliamentary inquiry. I want to call the attention of the Chair—

The SPEAKER. The gentleman will state it.

Mr. DOUGLAS. Will the Chair permit the Clerk to read the number of the rule to which this substitute is an amendment?

The SPEAKER. It is probably Rule X. Without objection, not to be taken out of the time of the gentleman from Nebraska, the substitute will be again reported.

There was no objection.

The amendment was again reported.

The SPEAKER. The Chair suggests to the gentleman from Nebraska, if he will give his attention, as the Chair caught it, it seems the substitute is to paragraph 4. There is a paragraph 4. Does the gentleman desire to add an additional paragraph by making it paragraph 5?

Mr. NORRIS. It is paragraph 5, I think.

The SPEAKER. It was read as paragraph 4. The gentleman can modify, without objection, his substitute.

Mr. NORRIS. It ought to be five.

Mr. CLARK of Missouri. Mr. Speaker, no man in this presence realizes more thoroughly than I do the seriousness as well as the importance of this occasion. I want to make one personal remark; whether it will be popular or not I do not know, and to tell you the truth I do not care. This is not a personal fight, so far as I am concerned, or ever has been, against the Hon. JOSEPH G. CANNON, from the State of Illinois, personally. [Loud applause on both sides of the Chamber.] I can lay my hand on my heart and truthfully assert that the personal relations between that distinguished personage and myself have always been pleasant.

So far as I am concerned and as far as the men who have cooperated with me are concerned, so far as I know, this is a fight against a system. We think it is a bad system, as far as this Committee on Rules has been concerned. It does not make any difference to me that it is sanctified by time. There never has been any progress in this world except to overthrow precedents and take new positions. [Applause.] There never will be. Reformers and progressives are necessarily and inevitably iconoclasts.

I want to say another thing, so far as I am concerned. There is no other proposition pending in my mind on my own initiative or by agreement with anybody except the one that is pending here to-day. I have believed ever since I was in the House long enough to understand the work of the Committee on Rules that the fact that the Speaker of the House was chairman of that committee, and practically the Committee on Rules, gives the Speaker of this House more power than any one man ought to have over the destinies of this Republic. [Applause on the Democratic side.]

Macaulay says that Sir Robert Walpole was avaricious of power. I am not certain but that the illustrious historian might without exaggeration have extended that remark so as to include the entire human race within its scope. It is for that very reason that restrictions, constitutional and otherwise, are placed upon public men—even upon hereditary kings, emperors, and potentates. And every such new restriction smashes precedents. We had made up our mind months ago to try to work the particular revolution that we are working here to-day, because, not to mince words, it is a revolution. I have no fear of revolutions, for men of our blood revolutionize in the right direction. The enlargement of the Committee on Rules even in itself has some beneficent features attached to it, simply that and nothing more, because it takes into consideration, as the gentleman from Wisconsin [Mr. COOPER] stated the other night, the larger portion of the country. But I am not giving my adhesion to any proposition concerning this rules business that does not remove the Speaker now, and, so far as we can control it, for all time to come, from the Committee on Rules. [Applause on the Democratic side.] That is my position, and in that I speak for the Democrats of the House and the insurgent Republicans. [Applause on the Democratic side.] We are fighting to rehabilitate the House of Representatives and to restore it to its ancient place of honor and prestige in our system of government.

I do not believe that men in this world are heard for much speaking or that much attention is paid to it after it is done, and it seems to me that I have stated our whole contention.

You can not restore to the membership of this House the quantum of power that each Member is entitled to without taking from the Speaker of the House some quantum of the power he now enjoys, because he practically enjoys it all. On this proposition I could wish that there could be a unanimous vote of this House, but that is a hope too fantastic for entertainment. We want to try this experiment. If it does not work well, Mr. Speaker, the House at any time can change it, because it has now been definitely settled that this House can do what it pleases when it wants to do it. [Applause on the Democratic side.]

Mr. NORRIS. Mr. Speaker, I yield five minutes to the gentleman from Minnesota [Mr. NYE].

Mr. NYE. Mr. Speaker, I am obliged to the gentleman from Nebraska for his courtesy, because my conscience and my judgment impel me to vote against his resolution. [Applause on the Republican side.] There are decisive moments in the history of human affairs, and destiny seems sometime to hang upon

the results of a moment. I have no fear of the individual conscience, but so far as passion rather than patriotism actuates us in such moments, so far as we and the country will reap disastrous consequences from it.

What I have to say is addressed to Republicans. I have not always been in perfect accord with the leadership of this House. I am inclined to be individually independent in various matters; but I am willing to take responsibility, and if this is a vote against a system, as we are told it is, I am willing to say that we, as Republicans, are responsible for the system and should share the consequences of it. [Applause on the Republican side.]

But I fear, Mr. Speaker, this is not a fight against a system. I fear that passion and personal feeling have stirred the men who are moving in this matter to-day, and I feel that the country as well as the great party to which we belong may regret it and regret it bitterly. Parties are a necessity, and the great power and effectiveness of the Republican party has been largely its cohesiveness. Its followers have stood shoulder to shoulder and fought the battle against a political foe. And as for me, I am willing to take the consequences. It looks too much like mutiny against captain and crew in the face of storm and night. [Loud applause on the Republican side.] I will stay with the ship and go down if necessary. I will not hold my seat at the cost of conscience and heap personal indignity upon the chosen leader of the Republican party. [Loud applause on the Republican side.] I have not been close to our Speaker, have no intimate acquaintance with him, but for forty years not only his party but the Nation has honored him, and to-day you seek to butcher him, "to make a Roman holiday." [Loud applause on the Republican side.] I will not stand for it. Let the storm come, man the old Republican ship again, and let her face the storm, and as Holmes said in his Ironsides:

Nail to the mast her holy flag,  
Set every threadbare sail,  
And give her to the god of storms,  
The lightning and the gale!

[Loud and long-continued applause on the Republican side.]

Mr. NORRIS. I yield two minutes to the gentleman from New York.

Mr. FOELKER. Mr. Speaker, it has been threatened that we are to be read out of the Republican party. I came to this country from Germany when quite a boy because there was no opportunity for such as I in the land of my birth. When I got to learn something of the institutions of this land, I saw at once that they had been protected, preserved, and perpetuated by the Republican party; that with the retirement of the Buchanan administration chaos and war were precipitated, which almost permanently disrupted the Union, costing hundreds of thousands of lives, millions of treasure, and left many sorrowing hearts for those who would never return. The Republican party took over the country in these conditions, and we find it led by Lincoln until the cause of the trouble was removed in the abolition of slavery, upon the consummation of which he yielded up his life a martyr to the cause which he had so espoused. Then came Grant, Hayes, Garfield, Harrison, McKinley, Roosevelt, and last, though not least, President Taft, all of whom believed in the destiny of the Republic, first as Republicans and always as Americans. As soon as I could vote I joined this party, and have always voted its ticket. An attempt may be made to read me out of it because I have not been subservient to the will of some of its leaders, but I am willing to trust my future with the people whom I came here to serve and whom I am serving to the best of my ability.

Mr. Speaker, I am going to vote to override the ruling of the Chair and ask that this matter be passed upon by the House as a body, and by the whole House.

Mr. NORRIS. I yield five minutes to the gentleman from South Dakota.

Mr. MARTIN of South Dakota. Mr. Speaker, the resolution which I shall offer as an amendment to the substitute, if I have an opportunity to present it, is itself well known to many of the membership of this House, and will be offered at the time in these proceedings when amendments can be presented.

Mr. DOUGLAS. Read it.

Mr. MARTIN of South Dakota. I have only five minutes. I will read it:

*Resolved*, That the Committee on Rules shall consist of 10 members, 6 of whom shall be members of the majority party and 4 of whom shall be members of the minority party, all of whom shall be elected by the House by majority vote.

The Committee on Rules shall select its own chairman. After March 3, 1911, the same person shall not at the same time hold the office of Speaker and membership on the Committee on Rules.

All rules or parts thereof inconsistent with this resolution are hereby repealed.



The amendment, if adopted by this House, would enlarge the committee to 10, as in the Norris resolution, 6 Republicans and 4 Democrats, all to be elected by the House, and would leave for the House, at the time of the election of members of this committee, to decide whether the Speaker should be a member during the balance of this session and this Congress. It announces the principle that the Speaker shall not after a certain time occupy the position of Speaker and a position upon the Committee on Rules.

I think my position upon this subject was quite clearly stated in the debate yesterday. I stated upon the point of order that while fundamentally it was doubtful as to whether the resolution of the gentleman from Indiana [Mr. CRUMPACKER] a day or two previous was in order upon the ground of high constitutional prerogative, that certainly if that was in order the Norris resolution was in order, and for one I should hold the House to the precedent that it had established by its deliberate vote. I said further that if it came to a vote upon the floor of the House, I should, consistently with that position, vote to overturn the decision of the Chair. That would give an opportunity to the House to consider this resolution at this time. In my judgment this is a question of high privilege. It does not rest alone upon precedents for being in order at this time. Every deliberative body reserves necessarily from the inception of its organization control over its own committees, which are really its servants.

This committee chances to be the House Committee on Rules. The rules of the House provide that all amendments pertaining to the rules shall be referred to the Committee on Rules; but here we have an amendment which proposes to remodel and reconstruct that committee itself, and it would be absurd and without parliamentary precedent to say that by adopting certain rules at the beginning of this Congress the House thereby gave this Committee on Rules a prerogative so far-reaching that it would pass through the entire length of this Congress of two years and make it impossible for this House to detract from that committee any portion of the power given to it.

In other words, we would be in the position of being helpless to remodel this committee, except by referring a rule to that committee for its consent. The principle of master and servant applies to the deliberations of this body as well as to the commercial transactions of life. This House in its sovereign right undoubtedly has inherently within itself the power upon its own motion, at any particular time, to reconsider the question of the apportionment of the powers of committees and the personnel of those committees.

I think I have made it plain that there is no personal feeling upon my part in this entire proceeding, except a personal feeling of the kindest character toward the Speaker of this House and toward the membership of this Committee on Rules. By the silent evolution of power the Speaker, without any special rule upon the subject, has become a member of the Committee on Rules and the chairman of that body. It is often said in popular language that this is a House governed by a majority. That is in part true, but it is true only in part. The Committee on Rules can pass no law without the support of the majority of the House. With the large number of bills on our calendars most important measures may never be heard, unless the Rules Committee shall so decide. In other words, accurately speaking, the power dominant in this House resides in a majority of the House, with the consent and initiative of the Committee on Rules.

As the Speaker appoints the Committee on Rules and has the deciding vote on the committee, it is evident that the power to prefer or reject legislation of the utmost importance really rests with the Speaker himself. This is a day of popular government. The people are demanding that a portion of the power that has been by custom centered in the Speaker shall be restored to the Representatives themselves. It is a reasonable demand, and will go far toward restoring to this body the prestige and dignity it possessed in the early years of the Republic.

Mr. NORRIS. I yield five minutes to the gentleman from Wisconsin [Mr. LENROOT].

Mr. LENROOT. Mr. Speaker, I wish to address myself to the proposed amendment suggested by the gentleman from South Dakota [Mr. MARTIN]. His amendment, like the pending proposition, enlarges the Committee on Rules to 10 members. His proposal, like the pending proposition, recognizes and indorses the principle that the Speaker should not be a member of the Committee on Rules. However, while recognizing that principle, his proposition clearly declares that while that principle is correct, nevertheless the present Speaker of this House ought to be a member of the Committee on Rules. We believe that in the future no Speaker should be a member of the committee, and that the present Speaker ought not to be a member

of that committee. [Applause.] And I wish the Republican side clearly to have in mind, if a vote shall be taken upon that proposition, exactly what the effect of it is.

Now, Mr. Speaker, much has been said about disruption in the Republican party and the peril which it is in at the present time. I say that, in my sincere judgment, the adoption of the pending proposition will do much to insure a Republican majority in the next Congress. We should remember that the Republican party is not confined within the walls of this Capitol. We should remember that the success of the Republican party does not depend upon its so-called leaders, but upon the men upon our farms, in our shops throughout this land, in the rank and file of the Republican party, and that rank and file desire that this body be made a representative body. They believe that this will tend to make this what it should be, a government by the people. [Applause.]

I yield back the balance of my time.

The SPEAKER. The gentleman used his time.

Mr. NORRIS. Mr. Speaker, I should like to have the attention of the gentleman from Pennsylvania. I want to yield half of this time to those who are opposed to the resolution, and have already yielded five minutes of it in that way. I will yield to the gentleman from Pennsylvania [Mr. DALZELL], if he wants to take it, or whomever he may have who wants time, to the extent of one-half of it.

Mr. MANN. We prefer to take our own time.

Mr. DALZELL. How much time does the gentleman yield me?

Mr. NORRIS. I want to yield one-half of the time.

Mr. TAWNEY. Mr. Speaker, how much time has the gentleman remaining?

The SPEAKER. The gentleman from Nebraska has forty minutes remaining.

Mr. NORRIS. I do not mean one-half of the remaining time, but I mean one-half of the hour. I want those who are opposed to the resolution to have as much time as those who are in favor of it.

Mr. DALZELL. I want to say to the gentleman from Nebraska that if any time is to be occupied on this side of the House, we want to occupy more than thirty minutes.

Mr. NORRIS. I wanted to make that agreement, but the objection which prevented that agreement came from that side.

Mr. McCALL. Mr. Speaker—

Mr. NORRIS. Does the gentleman from Massachusetts want time?

Mr. McCALL. I am not asking for time at this moment. I was going to suggest that when the gentleman gets ready to yield the floor, reserving the balance of his time, the gentleman from Illinois [Mr. MANN] or some Member on this side should have an hour, which he can apportion out to Members on this side.

Mr. NORRIS. I am perfectly willing that the gentleman from Pennsylvania or the gentleman from Massachusetts shall apportion out the time, but I do not want to yield the floor.

Mr. McCALL. It does not take the floor from the gentleman at all.

Mr. NORRIS. I am willing that the gentleman from Pennsylvania, by unanimous consent, shall name the Members to whom he desires to yield, and that he shall control twenty-five minutes of the time. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. NORRIS. If I should yield twenty-five minutes to the gentleman from Pennsylvania, with the right to yield it to others as he saw fit, and should reserve the balance of my time, would I lose the floor?

The SPEAKER. If the gentleman should reserve the balance of his time he could use the balance, but he could not take some one else off the floor.

Mr. NORRIS. I could use it at the expiration of the time I yielded?

The SPEAKER. Undoubtedly.

Mr. UNDERWOOD. Mr. Speaker, I desire to ask whether the gentleman, under those circumstances, would lose the floor?

The SPEAKER. He merely yields time for debate, and the gentleman taking that time has no rights except for debate.

Mr. NORRIS. If the gentleman from Pennsylvania desires it, I will yield him twenty-five minutes; and I will ask unanimous consent that he may yield it to others.

Mr. TAWNEY. Mr. Speaker, I desire to ask if the gentleman from Nebraska should now reserve the balance of his time and the Speaker should recognize the gentleman from Pennsylvania, and he should then be recognized for an hour—in that case would the gentleman from Nebraska lose the right to the floor when the hour had been consumed?

The SPEAKER. The gentleman from Nebraska could again resume the floor.

Mr. TAWNEY. So if the gentleman from Nebraska reserves the balance of his time—

The SPEAKER. Of course the gentleman, recognized in his own right, could offer an amendment or make a motion which, if sustained by the House, might result in the gentleman from Nebraska losing the floor.

Mr. NORRIS. I do not yield the floor for that purpose, Mr. Speaker—only for debate.

The SPEAKER. When the gentleman yielded the floor, whoever he yielded to could only have the floor for debate, not for action or motion. The gentleman can reserve such time as he chooses. Unless the House takes such action on the motion of somebody who is entitled to the floor in his own right—that would deprive the gentleman of the time that he reserved—he would not be deprived of it.

Mr. CLAYTON. Mr. Speaker, I demand the regular order.

The SPEAKER. The regular order is demanded, which is the gentleman from Nebraska. [Laughter.]

Mr. NORRIS. If the gentleman from Pennsylvania desires it, I will yield him twenty-five minutes.

Mr. DALZELL. The gentleman from Pennsylvania is perfectly willing that the gentleman from Nebraska shall reserve the balance of his time and that the gentleman from Pennsylvania be recognized an hour in his own right.

Mr. NORRIS. I think the gentleman from Pennsylvania realizes that that can not be done.

Mr. TAWNEY. The gentleman from Nebraska understands that he does not lose the right to take the floor at the expiration of an hour.

Mr. NORRIS. Well, there are a good many things that might happen in the hour. If the gentleman from Pennsylvania [Mr. BURKE] desires five minutes, I will yield it to him now.

Mr. BURKE of Pennsylvania. I do not care for time now.

Mr. NORRIS. Does the gentleman from Massachusetts [Mr. MCCALL] care for any time?

Mr. MCCALL. I do not desire any time at present.

Mr. MANN. If the gentleman from Nebraska wants to cut off debate, cut it off.

Mr. NORRIS. I yield five minutes to the gentleman from Alabama [Mr. CLAYTON].

Mr. CLAYTON. The gentleman from Nebraska offered the fairest sort of a proposition at the very opening of this discussion. According to my recollection, his first proposition was for two hours of debate on the pending question, one hour to be consumed on this side and one hour on the other side.

He afterwards enlarged that proposition so as to include an hour and a half on each side for discussion. He afterwards further said, according to my recollection, that he was willing to ask the House to accord two hours to each side for this discussion.

Now, these propositions were each severally and separately rejected, and it does not come with good grace from the gentleman from Pennsylvania at this time to say that he must have thirty minutes in his own right or, as has been suggested, that he have an hour in his own right.

The Speaker, those of us on this side of this Chamber who are fighting this unbridled power of the Speaker have seen the rules of this House so used, and I measure my words when I say so abused, I believe in the very nature of party exigency—so demanded by party exigency—that the whole country has forced the minority of this House and a minority of the majority of this House to strike hands with each other in order that this power of the Speaker may be curbed. That is what we are here for to-day. That is what we were here for the other day and night during a continuous session of more than twenty-nine hours. The Speaker is right when he said in some of his observations that this is revolutionary, for we are now conducting a parliamentary revolution.

For twelve years, Mr. Speaker, I have been a Member of this body. I have seen great measures pertaining to the revenues of the country, touching the welfare of the entire people of this country, the consumers of the country, great questions presented here, involving representative government and the liberties and the personal rights of the people; I have seen important measures relating to these great questions brought into this Chamber time after time, and a little committee, dominated by the Speaker of this House, has throttled, by special rules dictated by him, the will of this House, and thus has throttled the will of the American people, and put through, under special rules reported by his little kitchen cabinet, his committee on rules, known as the "Rules Committee," far-reaching propositions without debate, according to the minority Representatives of the people the poor privilege sometimes of twenty minutes' discussion, and very frequently no opportunity of amendment.

Mr. DOUGLAS. Will the gentleman yield for a question?

Mr. CLAYTON. I have only five minutes, and the gentleman must not expect me to yield to him, for it would take a long time for me, doubtless, to answer any question that my distinguished friend might propound.

Mr. Speaker, this is a crisis in the legislative history of the country. Those of us who favor the proposition advanced by the gentleman from Nebraska [Mr. NORRIS] recognize that it may be denominated revolutionary. So far as the parliamentary propositions are concerned, I am willing to concede that it is revolutionary, but it is necessary to overcome this arbitrary power of the Speaker. The American people demand it. We are here ready to secure it, and we have the votes to enforce the resolution offered by the gentleman from Nebraska. We are responsible to our constituencies and to the American people. I do not care how our conduct may be characterized, but we stand here ready to vote up the proposition offered by the gentleman from Nebraska, and I am confident that the American people will approve our votes. [Applause on the Democratic side.]

Mr. NORRIS. Mr. Speaker, I yield three minutes—

Mr. DOUGLAS. Will the gentleman yield to me for a question?

Mr. NORRIS. I yield three minutes to the gentleman from Ohio [Mr. DOUGLAS]. [Laughter.]

Mr. DOUGLAS. Mr. Speaker, I thank the gentleman for his courtesy, since he knows that I am opposed to his resolution. I want first to say a word, if I may be permitted, with reference to my own attitude on this question. I do not see how any Member of this House, especially if he be a lawyer and has had any experience as such, could have voted to overrule the decision of the Speaker upon this question of order without intellectual stultification. I could not do it myself, favorable as I am to an enlargement of the Committee on Rules. If I believed with the gentleman from Missouri [Mr. CLARK], the leader of the minority of this House, that this proposition in no way contained an attack upon the present occupant of the Chair, I would not oppose it, and therefore it seems to me that those of us in this House who have been opposed to some of the rules and with the management of the majority of this House can vote, without any reflection upon the present occupant of the chair, for the proposition suggested by the gentleman from South Dakota. That is nothing more nor less, as I understand it, than a proposition to enlarge the Committee on Rules of this House from 5 to 10, and that after the present Congress the Speaker of the House may not be a member of it. That is a reform which I favor.

Mr. DALZELL. I suggest to the gentleman that he is mistaken as to that.

Mr. DOUGLAS. I so understood it.

Mr. DALZELL. The Martin resolution deposes the Speaker of the House from the chairmanship of the Committee on Rules.

Mr. DOUGLAS. When?

Mr. DALZELL. Now.

Mr. DOUGLAS. Not the present Speaker of the House?

Mr. MCCALL. I would suggest, as I understood the resolution of the gentleman, that it deposes the Speaker and simply leaves him eligible to election until the 3d of March next.

Mr. DOUGLAS. I would like to understand what the proposition is, and I will ask the gentleman from South Dakota to read it.

Mr. MARTIN of South Dakota. I will read it:

*Resolved*, That the Committee on Rules shall consist of 10 members, 6 of whom shall be members of the majority party, and 4 of whom shall be members of the minority party, all of whom shall be elected by the House by a majority vote.

The Committee on Rules shall select its own chairman after March 3, 1911. The same person shall not at the same time hold the office of Speaker and membership of the Committee on Rules.

Mr. DOUGLAS. That is the amendment, as I understand the proposition.

Mr. DALZELL. It provides the committee shall select its chairman.

Mr. MCCALL. It provides the House shall select the 10 members, and it deposes the Speaker and simply leaves him eligible to be selected until the 3d of March, 1911.

Mr. DOUGLAS. That is the idea, and for that proposition I shall vote.

That is not my understanding of the proposition. As I understand, it simply increases the number of the Committee on Rules from 5 to 10, and provides that after March 3, 1911, the Speaker of the House, whoever he may be, shall not be eligible to membership on that committee. If my understanding of it be correct, and I am given the opportunity, I shall vote for it.

Mr. NORRIS. Mr. Speaker, I should like to have the attention of the gentleman from Pennsylvania again with a view to securing an agreement as to time. I would like to ask if this proposition would be agreeable to him—that unanimous consent



be given that the gentleman from Pennsylvania shall have one hour, for debate only, without interfering with my right to the floor at the conclusion of that hour?

Mr. MANN. Mr. Speaker, a parliamentary inquiry or question.

The SPEAKER. The gentleman will state it.

Mr. MANN. What does the gentleman mean by the hour; that the gentleman from Pennsylvania during that hour, or some person to whom he might yield, would have no right to offer an amendment or to move the previous question?

Mr. NORRIS. I mean that; yes.

Mr. MANN. Oh, well, then I will object.

Mr. NORRIS. Mr. Speaker, I yield five minutes to the gentleman from Alabama [Mr. UNDERWOOD].

Mr. UNDERWOOD. Mr. Speaker, if this resolution is adopted by the House, we have reached the end of an era in the parliamentary history of this body. More than a decade ago, when Mr. Reed was elected Speaker of this House, the House, on account of the large number of Members here, found it impossible under the rules then existing to do business. Speaker Reed adopted a system of rules that would allow the majority of this House to do business at any time, but in doing so he lodged the power of the House in the Speaker, and there it has remained since that time. Now, we have no fight to make on the personality of JOSEPH G. CANNON, of Illinois. We are fighting a system, and that system is the system that enables the Speaker, by the power vested in him, to thwart and overthrow the will of the majority membership of this House. We recognize to-day that there has to be leadership; that some man must be the leader of the majority and some man must be the leader of the minority, but we say the place for that leadership is not in the Chair. [Applause on the Democratic side.]

If this resolution goes through—ultimately, if not to-day—the Speaker of the House of Representatives will cease to be its leader and the chairman of the Committee on Rules elected by this House will become the leader of the majority party in the House. It does not deprive this House of one scintilla of the power to control its business. It does not deprive it of the right of leadership, but it divorces from the Speaker the leadership of the House. There is no great parliamentary body in the world of which the speaker is the leader. It is not so in the British Parliament; it is not so in the Senate of the United States. And yet those two great bodies are able to transact their business as efficiently as the House of Representatives has ever done. I say that, no matter how high or of what pure character a man may be who occupies the Speaker's chair of this House, that leader can not divorce the leadership and the partisanship of the leader from the Speaker when he is presiding over the deliberations of this House. This great parliamentary body is entitled to a presiding officer who wields the scales of justice between man and man, between the two contending political parties, and that is what we are standing for to-day. [Applause on the Democratic side.]

Mr. NORRIS. Mr. Speaker, I would like to inquire how much time I have remaining?

The SPEAKER. The gentleman has twenty-seven minutes remaining.

Mr. NORRIS. I yield three minutes of that time to the gentleman from Kansas [Mr. MURDOCK].

Mr. MURDOCK. Mr. Speaker, everyone ought to know, and I think that everyone here does know, that this substitute of Mr. Norris's to his original resolution, if it passes, changes the system of this House. Calendar Wednesday did not change the system. The Fitzgerald proposition for a recommitment of a bill did not change the system. The proposition to put the Speaker off the Committee on Rules does change the system, and changes it vitally. The Committee on Rules of this House is its most powerful committee; it is small, and it should be small because it must come quickly into action. The function of that committee is to bring to this House a concrete proposition on a major measure for immediate action. It is not possible in the House of Representatives to recommit a matter to the Committee on Rules. The House must act upon its reports.

The Committee on Rules has the last word for action in this large body. Now, we propose to take off that committee the man who sits in the Chair and presides over the fortunes of a measure after the Committee on Rules has reported it to the House—the Speaker. We propose that the man who helps frame the concrete measure this House has to pass upon, usually without the right to amend, shall not, having helped to frame the concrete measure, walk into the body and take the Chair to preside over the fortunes of his own measure while it is under discussion for adoption or rejection. That is the change, and it is a change. It is in response to a popular impeachment of this House, and that impeachment and challenge

is this: That during a long term of years power which was originally lodged in the membership of this body has been taken over or has filtered through to the Chair. This, and not calendar Wednesday; this, and not the motion to recommit; this proposition, not particularly to enlarge the Committee on Rules, but this proposition wherein it proposes to take the Speaker off the Committee on Rules, not next March 3, but now, is a change of system. It is turning back the tide of power which has been running from the House to the Speaker, turning that tide so that it will run back from the Speaker to the House. [Applause.]

Mr. NORRIS. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Speaker, time alone will demonstrate the wisdom of the proposed change in the rules. The situation in the House during the past forty-eight hours demonstrates that a substantial majority of this House is in favor of an important and a radical change in one of its important rules. I am one of those, Mr. Speaker, who have confidence in what the majority of this House will do under any circumstances, and I am perfectly content to have the majority of this House determine every single rule of its procedure. [Applause on the Democratic side.]

There are those who differ radically as to the wisdom and the effect of this rule. There are those who differ radically with the causes of this movement at this time. I would not be so hypercritical on this occasion as to assert that the views that I have long entertained as to the wisdom of electing all of the committees of the House have changed in anywise, but I have no doubt that, considering conditions not only here but in the country, it is desirable at this time to give this opportunity to test the wisdom of electing the Committee on Rules in the House. [Applause on the Democratic side.]

Mr. Speaker, even if I did not have confidence in the wisdom of this experiment, I would support the resolution for another reason. To me it is not entirely the present system in the procedure of the House to which is due this situation to-day, but it is due largely to the fact that the majority party in control of the Government is discredited before the people of the country. [Applause on the Democratic side.] And, try as you may, you can not, despite the assertions of some gentlemen on the other side of the House, so change your procedure or so change your stripes that you will bring back to yourselves before the next election confidence on the part of the people.

This is the time to demonstrate, when our opponents are demoralized and disorganized, that it is possible for the Democracy to stand united upon an important question. [Applause on the Democratic side.] I am ready, Mr. Speaker, in the demonstration of that possibility and of capacity on the part of the Democratic party to subordinate any individual views I may have, and to stand here harmoniously and unitedly with my party associates at this time. [Applause on the Democratic side.] Believing that it is not possible by any subterfuge to which resort may be had to restore the confidence of the country in the present administration before the coming election, I rejoice that this demonstration has occurred to show that our party can safely be intrusted with power. [Applause on the Democratic side.]

Mr. NORRIS. Mr. Speaker, I yield three minutes to the gentleman from California [Mr. HAYES].

Mr. HAYES. Mr. Speaker, before proceeding to discuss the merits of the proposition which is now before the House, I beg the indulgence of the House to make a brief personal reference. I am moved to the action which I take upon this floor by no personal consideration whatever. Since I have been a Member of this House I have received at all times from the Speaker of the House and from the members of the Committee on Rules every courtesy and every right to which I am entitled. More than that, I am not sure but I have received more than my just deserts and merits entitle me to receive. As a Member of this House I am moved to the action which I take in this matter only by what I conceive to be the highest considerations of conscience and duty.

Mr. Speaker, I have not time to refer to historical matters, but sometimes it clears the atmosphere to refer briefly to elementary propositions. The Speaker of this House, as we know him now, as he has been known for many years past, is not a product of the Constitution. He is the product of an evolution that has gone on depositing more and more power in the hands of the Speaker until in the Fifty-ninth Congress, if my memory serves me, no matter of any kind was brought before this House, except it was a matter of privilege, without the consent of the Speaker of the House. In the Sixtieth Congress it was nearly the same. The amendment to the rules which was adopted last March, when this session of Congress opened, has

made that power somewhat less. While there is now less power lodged in the Speaker to control the legislative procedure of the House, there is still, in my judgment, too much power lodged in the Speaker of this House; more than should be lodged in the hands of any man connected with the government of the Republic. The Speaker of the House of Representatives is entitled to the support of every man on this floor in the lawful and constitutional discharge of his duties, no matter by what party he may be put in the chair. But it does not follow from that premise that the Speaker of the House is therefore entitled to be the political and legislative dictator of this House in whole or in part. I believe that the House of Representatives and its membership should have the largest possible independence, free from coercion, free from fear of political punishment or death. Every Member of the House should feel perfect liberty under proper rules, at the proper time and in a proper way, to say and do those things that his conscience and his highest conception of duty prompt him to say and do; to think, to act and discharge his duties as a representative of the American people in the manner that the Constitution of the United States intended that he should. Believing this, as I do firmly, and being convinced that it will go a long way toward releasing the House from the domination of one man, I shall support the resolution of the gentleman from Nebraska. [Loud applause.]

Mr. NORRIS. I yield three minutes to the gentleman from Minnesota.

Mr. TAWNEY. Mr. Speaker, the time that I requested of the gentleman from Nebraska will be occupied by the gentleman from Pennsylvania.

Mr. NORRIS. I yield three minutes to the gentleman from Pennsylvania in addition to the three minutes that I yield to the gentleman from Minnesota.

Mr. OLMSTED. What I desire to ask is whether the gentleman will yield to me to offer an amendment.

Mr. NORRIS. I will not.

Mr. OLMSTED. I send to the Clerk's desk and ask to have read in my time the amendment which I shall offer, if I have an opportunity, and desire to have voted upon.

The Clerk read as follows:

Amend by inserting in line 3, page 1, after the word "on," the words "revision of the."

Also, in line 6, strike out the words "selected as follows" and insert as follows: "elected by the House. Said committee shall select its own chairman and shall report its conclusions to the House on the first Monday of December next."

Also strike out lines 7 to 21, page 1, and lines 1 to 5, page 2.

Also strike out all of lines 1 and 2, page 1, after the word "That."

As thus amended the resolution would read as follows:

"Resolved, That a committee on revision of the rules shall consist of 15 members, 9 of whom shall be members of the majority party and 6 of whom shall be members of the minority party, to be elected by the House. Said committee shall select its own chairman and shall report its conclusions to the House on the first Monday of December next."

Mr. OLMSTED. Mr. Speaker, I do not care to devote very much time—in fact, can not in the three minutes allowed me—to the discussion of the proposed amendment, but the reading of it shows its purpose.

It provides for a committee on revision of the rules of the House. Amendment of the rules should have plenty of time and ample time for full discussion upon the floor of the House. It is a matter which is conceded to be of the utmost importance. It has been well stated to be of transcendental importance. It is one on which I think it is much better that it shall not be acted upon in a hurry. Under my amendment a full committee of 15 would be selected, to consider the rules calmly and dispassionately, and report on the first Monday in December. I am satisfied that if an opportunity were presented to offer this as an amendment it would receive large support, not only from the Members of this House who vote as I vote, but from Members who have been voting otherwise. At least I know that a good many of them favor that course as a fair solution of the present disagreement.

Mr. NORRIS. How much time have I remaining, Mr. Speaker?

The SPEAKER. The gentleman has eleven minutes remaining.

Mr. NORRIS. I yield two minutes to the gentleman from Minnesota, if he wants it.

Mr. TAWNEY. I just want a minute.

Mr. NORRIS. Then I yield the gentleman a minute.

Mr. TAWNEY. The gentleman from Nebraska has already announced that no opportunity would be given to vote on the amendment suggested by the gentleman from Pennsylvania. If an opportunity were given to vote upon the proposition for the appointment of a committee on the revision of the rules, to report at the beginning of the next session of this Congress, I should heartily support it.

Mr. NORRIS. I yield two minutes to the gentleman from Massachusetts [Mr. McCall].

Mr. McCALL. Mr. Speaker, I desire to say a few words upon the proposition before the House; but it is manifestly impossible to discuss it within the two minutes yielded to me.

This proceeding, in my opinion, is aimed at the Speaker of the House of Representatives. The proposition of the gentleman from South Dakota deposes the Speaker from his present position as a member of the Committee on Rules. Now, if it were an entirely new proposition, at the beginning of a Congress, I should consider its adoption; but I do not propose to vote for it, and I do not consider that it is open to be passed by a House controlled by Republicans. I do not propose to vote to deliver the Speaker, bound hand and foot, over to the minority party, although I know that if you do that, he will go with head unbowed and erect, in the simple majesty of American manhood. [Applause.] This movement does not originate in the House of Representatives. I am not indiscriminating. I do not condemn a whole class, but you are about to do the behest of a gang of literary highwaymen who are entirely willing to assassinate a reputation in order to sell a magazine. [Applause.] I believe that the Speaker of the House, by his conduct in the last three days, if the country has been permitted to know it, has shattered many of the criticisms that have been made against him; and, as I see him there, his spirit reminds me of that of the old Ulysses starting off on his last voyage:

Push off, and sitting well in order smite  
The sounding furrows; for my purpose holds  
To sail beyond the sunset, and the baths  
Of all the western stars, until I die.

[Applause.]

Mr. NORRIS. I yield one minute to the gentleman from North Dakota [Mr. Gronna].

Mr. GRONNA. Mr. Speaker, I yield to no man on the floor of this House in loyalty to my party and in respect for the distinguished gentleman now in the chair, and I believe that I have shown that in my former actions. But, Mr. Speaker, there is a principle involved in this. I do believe that the time has come when the rules should be changed. While I have not occupied as much time on this floor as others discussing this question, I acknowledge—looking the Speaker in the face—that I have been as enthusiastic and energetic as any Member now called an insurgent to bring this change about. Why do I favor this change? I do not believe it is any discredit to the Speaker that we declare he shall not be eligible as a member of the Committee on Rules. I have no quarrel with the Speaker personally. He has always been friendly and courteous to me. I have no fault to find with him personally, neither am I disappointed because of any requests that I have made of him, but I do believe and shall continue to believe that it is time that the American people were represented on this floor by the Members of this House and not by the Committee on Rules. [Applause.]

Mr. NORRIS. Mr. Speaker, how much time have I remaining?

The SPEAKER. Seven minutes.

Mr. NORRIS. I yield one minute to the gentleman from Iowa [Mr. Pickett].

Mr. PICKETT. Mr. Speaker, when I heard the gentleman from Minnesota [Mr. Nye] make his appeal for party regularity this afternoon, and recall that he voted against the Payne bill, a party measure, it occurred to me that he was in no consistent position to deliver a lecture on party regularity.

If the gentleman from Pennsylvania [Mr. Olmsted] and those who represent his views had a year ago offered the resolution which the gentleman offers to-day, or if it had been offered at any time from then until now, this issue would not now be before this body. [Applause.]

Mr. Speaker, it is claimed that this action is revolutionary. I deny it. It is claimed that it is partisan. I deny that. All that this question involves, my Republican friends, is, Shall six Republicans, chosen by Republican caucus, represent us on the Rules Committee instead of three? and, further, the fundamental question of the distribution of the powers or authority of this legislative body. The question is vital. We are contending for a precedent for the government of future Congresses as well as for the government of this. It is not a partisan question. It is not a personal question. It is a question of principle in representative government, and any Member whose judgment tells him that it is right is justified in casting his vote accordingly. [Applause.]

Mr. NORRIS. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has five and one-half minutes.

Mr. NORRIS. After I have taken three minutes I would like to have the Chair call my attention to the fact. Mr. Speaker, I have no time left me to review this situation as I wanted to do. I want to refer to just two things that have been brought into this discussion. First, I want to absolutely deny that this movement to change the rules of the House is intended as any



personal slap or any personal thrust at the Speaker or any other man. Those of us who favor this rule represent a principle here far beyond the personality of any man or any set of men.

I want to say that there is no feeling against the Speaker in this matter unless it is brought into it by the Speaker or his friends. I want to deny the charge that this is anti-Republican. From every hamlet, from every fireside, and from every farm of Republican constituents to-day there are going up prayers and hopes that this resolution to change the rules of the House will be successful here to-day. [Laughter and applause.]

Mr. Speaker, I move the previous question on the substitute and resolution to the final passage.

The SPEAKER. The gentleman from Nebraska moves the previous question on the resolution and the substitute to its final passage. The question is on ordering the previous question.

Mr. TAWNEY. And on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 180, nays 159, answered "present" 7, not voting 42, as follows:

## YEAS—180.

Adair	Edwards, Ga.	Hughes, Ga.	Pujo
Adamson	Ellerbe	Hughes, N. J.	Rainey
Aiken	Ferris	Hull, Tenn.	Ransdell, La.
Alexander, Mo.	Finley	Humphreys, Miss.	Rauch
Ames	Fish	James	Rhinock
Ansberry	Fitzgerald	Johnson, Ky.	Richardson
Ashbrook	Flood, Va.	Johnson, Ohio	Robinson
Barnhart	Floyd, Ark.	Johnson, S. C.	Roddenberry
Bartlett, Ga.	Foelker	Jones	Rothermel
Bartlett, Nev.	Fornes	Kelher	Rucker, Colo.
Beall, Tex.	Foster, Ill.	Kendall	Rucker, Mo.
Bell, Ga.	Fowler	Kinkaid, Nebr.	Russell
Boehne	Gallagher	Kinkead, N. J.	Sabath
Booher	Gardner, Mass.	Kitchin	Saunders
Borland	Garner, Tex.	Kopp	Shackelford
Bowers	Garrett	Lamb	Sharp
Brantley	Gill, Md.	Latta	Sheppard
Broussard	Gillespie	Lee	Sherley
Burleson	Gilmore	Lenroot	Sherwood
Burnett	Godwin	Lindbergh	Sims
Byrns	Goldfogle	Lindsay	Sisson
Candler	Good	Livingston	Slayden
Cantrill	Gordon	Lloyd	Small
Carlin	Goulden	McDermott	Smith, Tex.
Carter	Graham, Ill.	McHenry	Sparkman
Cary	Gregg	Madison	Spight
Clark, Mo.	Gronna	Maguire, Nebr.	Stanley
Clayton	Hamill	Martin, Colo.	Steenerson
Cline	Hamlin	Miller, Minn.	Stephens, Tex.
Collier	Hammond	Moore, Tex.	Talbot
Conry	Hardwick	Morrison	Taylor, Colo.
Cooper, Wis.	Hardy	Morse	Taylor, Ohio
Covington	Harrison	Moss	Thomas, Ky.
Cox, Ind.	Haugen	Murdock	Thomas, N. C.
Cox, Ohio	Hay	Nelson	Tou Velle
Craig	Hayes	Norris	Townsend
Cullop	Helm	Oldfield	Turnbull
Davidson	Henry, Tex.	Padgett	Underwood
Davis	Hinshaw	Page	Volstead
Dent	Hitchcock	Palmer, A. M.	Watkins
Denver	Hobson	Patterson	Webb
Dickinson	Houston	Peters	Wickliffe
Dies	Howard	Pickett	Willett
Dixon, Ind.	Howland	Poindexter	Wilson, Pa.
Driscoll, D. A.	Hubbard, Iowa	Pou	Woods, Iowa

## NAYS—159.

Alexander, N. Y.	Ellis	Kronmiller	Parsons
Allen	Englebright	Lafean	Payne
Austin	Fassett	Langham	Pearre
Barchfeld	Focht	Langley	Plumley
Barclay	Fordney	Law	Pray
Barnard	Foss	Lawrence	Prince
Bartholdt	Foster, Vt.	Longworth	Reeder
Bates	Gaines	Loud	Reynolds
Bennet, N. Y.	Gardner, Mich.	Loudenslager	Roberts
Bennett, Ky.	Gardner, N. J.	Lowden	Rodenberry
Bingham	Gillet	Lundin	Scott
Boutell	Goebel	McCall	Sheffern
Bradley	Graff	McCreary	Simmons
Brownlow	Graham, Pa.	McCredie	Smith, Cal.
Burke, Pa.	Grant	McGuire, Okla.	Smith, Iowa
Burke, S. Dak.	Greene	McKinley, Ill.	Smith, Mich.
Burleigh	Griest	McKinney	Sperry
Butler	Guernsey	McLachlan, Cal.	Stafford
Calder	Hamer	McLaughlin, Mich.	Sterling
Calderhead	Hamilton	McMorrin	Stevens, Minn.
Campbell	Hanna	Madden	Sulloway
Cocks, N. Y.	Hawley	Malby	Swassey
Cole	Heald	Mann	Tawney
Cook	Henry, Conn.	Martin, S. Dak.	Tener
Cooper, Pa.	Higgins	Miller, Kans.	Thistlewood
Coudrey	Hollingsworth	Millington	Thomas, Ohio
Cowles	Howell, N. J.	Mondell	Tilson
Creager	Howell, Utah	Moore, Pa.	Tirrell
Crumpacker	Hubbard, W. Va.	Moore, Pa.	Vreeland
Currier	Huff	Morehead	Wanger
Dalzell	Hughes, W. Va.	Morgan, Mo.	Washburn
Dawson	Hull, Iowa	Morgan, Okla.	Weeks
Denby	Humphrey, Wash.	Moxley	Wheeler
Dodds	Joyce	Murphy	Wiley
Douglas	Kahn	Needham	Wilson, Ill.
Draper	Keifer	Nye	Wood, N. J.
Driscoll, M. E.	Kennedy, Iowa	Olcott	Woodyard
Durey	Kennedy, Ohio	Olmsted	Young, Mich.
Dwight	Knapp	Palmer, H. W.	Young, N. Y.
Edwards, Ky.	Knowland	Parker	

## ANSWERED "PRESENT"—7.

Andrus  
Cassidy

Clark, Fla.  
Estopinal

Lever  
Pratt

Riordan

## NOT VOTING—42.

Anderson  
Anthony  
Burgess  
Byrd  
Capron  
Chapman  
Cravens  
Crow  
Dickson, Miss.  
Diekema  
Elvins

Esch  
Fairchild  
Foulkrod  
Fuller  
Garner, Pa.  
Gill, Mo.  
Glass  
Heflin  
Hill  
Jamieson  
Korbly

Küstermann  
Legare  
McKinlay, Cal.  
Macon  
Maynard  
Mays  
Moon, Tenn.  
Mudd  
Nicholls  
O'Connell  
Randell, Tex.

Reid  
Slomp  
Snapp  
Southwick  
Sturgiss  
Sulzer  
Taylor, Ala.  
Wallace  
Weisse

So the previous question was ordered.

The Clerk announced the following additional pairs:

Until further notice:

Mr. STURGIS with Mr. TAYLOR of Alabama.

Mr. SOUTHWICK with Mr. GILL of Missouri.

Mr. SNAPP with Mr. DICKSON of Mississippi.

Mr. KÜSTERMANN with Mr. BYRD.

Mr. KÜSTERMANN. Mr. Speaker, I desire to vote.

The SPEAKER pro tempore (Mr. GAINES). Was the gentleman paying attention at the time his name was called?

Mr. KÜSTERMANN. I was in conversation with some one and I did not hear it.

The SPEAKER pro tempore. The gentleman does not bring himself within the rule.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question now is upon the amendment in the nature of a substitute, offered by the gentleman from Nebraska [Mr. NORRIS].

Mr. MANN. On that we demand the yeas and nays.

The yeas and nays were ordered.

Mr. PRINCE. Mr. Speaker—

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. PRINCE. For the purpose of asking to have the substitute again reported so that we will know what we are voting on.

The SPEAKER pro tempore. Without objection, the substitute will again be reported.

There was no objection, and the Clerk again reported the substitute.

The SPEAKER pro tempore. The Clerk will call the roll.

The question was taken; and there were—yeas 193, nays 153, answered "present" 5, not voting 38, as follows:

## YEAS—193.

Adair	Driscoll, D. A.	Hughes, N. J.	Pujo
Adamson	Edwards, Ga.	Hull, Tenn.	Rainey
Aiken	Ellerbe	Humphreys, Miss.	Ransdell, La.
Alexander, Mo.	Ferris	James	Rauch
Ames	Finley	Johnson, Ky.	Rhinock
Ansberry	Fish	Johnson, Ohio	Richardson
Ashbrook	Fitzgerald	Johnson, S. C.	Riordan
Barnard	Flood, Va.	Jones	Robinson
Barnhart	Floyd, Ark.	Kelher	Roddenberry
Bartlett, Ga.	Foelker	Kendall	Rothermel
Bartlett, Nev.	Fornes	Kinkaid, Nebr.	Rucker, Colo.
Beall, Tex.	Foster, Ill.	Kinkead, N. J.	Rucker, Mo.
Bell, Ga.	Fowler	Kitchin	Russell
Boehne	Gallagher	Kopp	Sabath
Booher	Gardner, Mass.	Küstermann	Saunders
Borland	Garner, Tex.	Lamb	Shackelford
Bowers	Garrett	Latta	Sharp
Brantley	Gill, Md.	Lee	Sheppard
Broussard	Gill, Mo.	Lenroot	Sherley
Burleson	Gillespie	Lindbergh	Sherwood
Burnett	Gilmore	Lindsay	Sims
Byrd	Godwin	Livingston	Sisson
Byrns	Goldfogle	Lloyd	Slayden
Candler	Good	McDermott	Small
Cantrill	Gordon	McHenry	Smith, Tex.
Carlin	Goulden	McLaughlin, Mich.	Sparkman
Carter	Graham, Ill.	Madison	Spight
Cary	Gregg	Maguire, Nebr.	Stanley
Clark, Mo.	Gronna	Martin, Colo.	Steenerson
Clayton	Hamill	Martin, S. Dak.	Stephens, Tex.
Cline	Hamlin	Miller, Minn.	Talbot
Collier	Hammond	Moore, Tex.	Taylor, Colo.
Conry	Hardwick	Morrison	Taylor, Ohio
Cooper, Wis.	Hardy	Morse	Thomas, Ky.
Covington	Harrison	Moss	Thomas, N. C.
Cox, Ind.	Haugen	Murdock	Tou Velle
Cox, Ohio	Hay	Nelson	Townsend
Craig	Hayes	Norris	Turnbull
Cullop	Helm	Oldfield	Underwood
Davidson	Henry, Tex.	Padgett	Volstead
Davis	Hinshaw	Page	Watkins
Dent	Hitchcock	Palmer, A. M.	Webb
Denver	Hobson	Parsons	Wickliffe
Dickinson	Hollingsworth	Patterson	Willett
Dies	Houston	Peters	Wilson, Pa.
Dixon, Ind.	Howard	Pickett	Woods, Iowa
	Howland	Plumley	
	Hubbard, Iowa	Poindexter	
	Hughes, Ga.	Pou	

## NAYS—153.

Alexander, N. Y.	Englebright	Lafean	Prince
Allen	Fassett	Langham	Reeder
Andrus	Focht	Langley	Reynolds
Austin	Fordney	Law	Roberts
Barchfeld	Foss	Lawrence	Rodenberg
Barclay	Foster, Vt.	Longworth	Scott
Bartholdt	Gaines	Loud	Sheffield
Bates	Gardner, Mich.	Loudenslager	Simmons
Bennet, N. Y.	Gardner, N. J.	Lowden	Smith, Cal.
Bennett, Ky.	Gillett	Lundin	Smith, Mich.
Bingham	Goebel	McCall	Snapp
Boutell	Graff	McCreary	Southwick
Bradley	Graham, Pa.	McCredie	Sperry
Brownlow	Grant	McGuire, Okla.	Stafford
Burke, Pa.	Greene	McKinley, Ill.	Sterling
Burke, S. Dak.	Griest	McKinney	Stevens, Minn.
Burleigh	Guernsey	McMorran	Sulloway
Butler	Hamer	Madden	Swasey
Calder	Hamilton	Malby	Tawney
Calderhead	Hanna	Mann	Tenney
Campbell	Hawley	Miller, Kans.	Thistlewood
Cocks, N. Y.	Heald	Millington	Thomas, Ohio
Cole	Henry, Conn.	Mondell	Tilson
Cook	Higgins	Moon, Pa.	Tirrell
Cooper, Pa.	Howell, N. J.	Moore, Pa.	Vreeland
Coudrey	Howell, Utah	Morehead	Wanger
Cowles	Hubbard, W. Va.	Morgan, Mo.	Washburn
Creager	Huff	Morgan, Okla.	Weeks
Currier	Hughes, W. Va.	Moxley	Wheeler
Dalzell	Hull, Iowa	Murphy	Wilson, Ill.
Denby	Humphrey, Wash.	Needham	Wood, N. J.
Dodds	Joyce	Nye	Woodyard
Douglas	Kahn	Olcott	Young, Mich.
Draper	Kelfer	Olmsted	Young, N. Y.
Driscoll, M. E.	Kennedy, Iowa	Palmer, H. W.	The Speaker
Durey	Kennedy, Ohio	Parker	
Dwight	Knapp	Payne	
Edwards, Ky.	Knowland	Pearre	
Ellis	Kronmiller	Pray	

## ANSWERED "PRESENT"—5.

Cassidy	Estopinal	Lever	Pratt
Clark, Fla.			

## NOT VOTING—38.

Anderson	Fairchild	McKinlay, Cal.	Reld
Anthony	Foulkrod	McLachlan, Cal.	Slemp
Burgess	Fuller	Macon	Smith, Iowa
Capron	Garner, Pa.	Maynard	Sturgiss
Chapman	Glass	Mays	Sulzer
Cravens	Heflin	Moon, Tenn.	Taylor, Ala.
Crow	Hill	Mudd	Wallace
Diekema	Jamieson	Nicholls	Weisse
Elvins	Korbly	O'Connell	
Esch	Legare	Randell, Tex.	

So the substitute amendment was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. SMITH of Iowa with Mr. SULZER.

Mr. McLACHLAN of California with Mr. LEGARE.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on agreeing to the resolution as amended.

Mr. TAWNEY. On that, Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 191, nays 156, answered "present" 5, not voting 37, as follows:

## YEAS—191.

Adair	Cullop	Gronna	Lee
Adamson	Davidson	Hamill	Lenroot
Aiken	Davis	Hamlin	Lindbergh
Alexander, Mo.	Dawson	Hammond	Lindsay
Ames	Dent	Hardwick	Livingston
Ansberry	Denver	Hardy	Lloyd
Ashbrook	Dickinson	Harrison	McDermott
Barnard	Dickson, Miss.	Haugen	McHenry
Barnhart	Dies	Hay	McLaughlin, Mich.
Bartlett, Ga.	Dixon, Ind.	Hayes	Madison
Bartlett, Nev.	Driscoll, D. A.	Helm	Maguire, Nebr.
Beall, Tex.	Edwards, Ga.	Henry, Tex.	Martin, Colo.
Bell, Ga.	Ellerbe	Hinshaw	Martin, S. Dak.
Boehne	Ferris	Hitchcock	Miller, Minn.
Booher	Finley	Hobson	Moore, Tex.
Borland	Fish	Hollingsworth	Morrison
Bowers	Fitzgerald	Houston	Morse
Brantley	Flood, Va.	Howard	Moss
Broussard	Floyd, Ark.	Howland	Murdock
Burleson	Foelker	Hubbard, Iowa	Nelson
Burnett	Fornes	Hughes, Ga.	Norris
Byrd	Foster, Ill.	Hughes, N. J.	Oldfield
Byrns	Fowler	Hull, Tenn.	Padgett
Candler	Gallagher	Humphreys, Miss.	Page
Cantrill	Gardner, Mass.	James	Palmer, A. M.
Carlin	Garner, Tex.	Johnson, Ky.	Parsons
Carter	Garrett	Johnson, Ohio	Patterson
Cary	Gill, Md.	Johnson, S. C.	Peters
Clark, Mo.	Gill, Mo.	Jones	Pickett
Clayton	Gillespie	Keliber	Plumley
Cline	Gilmore	Kendall	Polndexter
Collier	Godwin	Kinkaid, Nebr.	Pou
Conry	Goldfogle	Kinkaid, N. J.	Pujo
Cooper, Wis.	Good	Kitchin	Rainey
Covington	Gordon	Kopp	Ransdell, La.
Cox, Ind.	Goulden	Kuistermann	Rauch
Cox, Ohio	Graham, Ill.	Lamb	Rhinock
Craig	Gregg	Latta	Richardson

Riordan	Sheppard	Stanley	Turnbull
Robinson	Sherley	Steenerson	Underwood
Roddenberry	Sherwood	Stephens, Tex.	Volstead
Rothermel	Sims	Talbot	Watkins
Rucker, Colo.	Sisson	Taylor, Colo.	Webb
Rucker, Mo.	Slayden	Taylor, Ohio	Wickliffe
Russell	Small	Thomas, Ky.	Willitt
Sabath	Smith, Tex.	Thomas, N. C.	Wilson, Pa.
Shackelford	Sparkman	Tou Velle	Woods, Iowa
Sharp	Spight	Townsend	

## NAYS—156.

Alexander, N. Y.	Edwards, Ky.	Knowland	Payne
Allen	Ellis	Kronmiller	Pearre
Andrus	Englebright	Lafean	Pray
Austin	Fassett	Langham	Prince
Barchfeld	Focht	Langley	Reeder
Barclay	Fordney	Law	Reynolds
Bartholdt	Foss	Lawrence	Roberts
Bates	Foster, Vt.	Longworth	Rodenberg
Bennet, N. Y.	Gaines	Loud	Scott
Bennett, Ky.	Gardner, Mich.	Loudenslager	Sheffield
Bingham	Gardner, N. J.	Lowden	Smith, Cal.
Boutell	Gillett	Lundin	Smith, Iowa
Bradley	Goebel	McCall	Smith, Mich.
Brownlow	Graff	McCreary	Snapp
Burke, Pa.	Graham, Pa.	McCredie	Southwick
Burke, S. Dak.	Grant	McGuire, Okla.	Sperry
Burleigh	Greene	McKinley, Ill.	Stafford
Butler	Griest	McKinney	Sterling
Calder	Guernsey	McLachlan, Cal.	Stevens, Minn.
Calderhead	Hamer	McMorran	Sulloway
Campbell	Hamilton	Madden	Swasey
Cocks, N. Y.	Hanna	Malby	Tawney
Cole	Hawley	Mann	Tenney
Cook	Heald	Miller, Kans.	Thistlewood
Cooper, Pa.	Henry, Conn.	Millington	Thomas, Ohio
Coudrey	Higgins	Mondell	Tilson
Cowles	Howell, N. J.	Moon, Pa.	Tirrell
Creager	Howell, Utah	Moore, Pa.	Vreeland
Crow	Hubbard, W. Va.	Morehead	Wanger
Crumpacker	Huff	Morgan, Mo.	Washburn
Currier	Hughes, W. Va.	Morgan, Okla.	Weeks
Dalzell	Hull, Iowa	Moxley	Wheeler
Denby	Humphrey, Wash.	Murphy	Wiley
Dodds	Joyce	Needham	Wilson, Ill.
Douglas	Kahn	Nye	Wood, N. J.
Draper	Kelfer	Olcott	Woodyard
Driscoll, M. E.	Kennedy, Iowa	Olmsted	Young, Mich.
Durey	Kennedy, Ohio	Palmer, H. W.	Young, N. Y.
Dwight	Knapp	Parker	The Speaker

## ANSWERED "PRESENT"—5.

Cassidy	Estopinal	Lever	Pratt
Clark, Fla.			

## NOT VOTING—37.

Anderson	Foulkrod	Macon	Simmons
Anthony	Fuller	Maynard	Slemp
Burgess	Garner, Pa.	Mays	Sturgiss
Capron	Glass	Moon, Tenn.	Sulzer
Chapman	Heflin	Mudd	Taylor, Ala.
Cravens	Hill	Nicholls	Wallace
Diekema	Jamieson	O'Connell	Weisse
Elvins	Korbly	Randell, Tex.	
Esch	Legare	Reld	
Fairchild	McKinlay, Cal.	Saunders	

So the resolution as amended was agreed to.

The Clerk announced the following additional pair:

Until further notice:

Mr. SIMMONS with Mr. LEGARE.

The result of the vote was announced as above recorded.

Mr. NORRIS. Mr. Speaker, I move to reconsider the vote by which the resolution was adopted and to lay that motion on the table.

The SPEAKER. The gentleman from Nebraska moves to reconsider the vote by which the resolution was agreed to and to lay that motion upon the table. Without objection it is so ordered.

There was no objection.

Mr. NORRIS. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. One moment. The Speaker asks the indulgence of the House for not exceeding three minutes to make a statement.

Mr. NORRIS. Mr. Speaker, I am willing to withhold the motion.

The SPEAKER. Gentlemen of the House of Representatives: Actions, not words, determine the conduct and the sincerity of men in the affairs of life. This is a government by the people acting through the representatives of a majority of the people. Results can not be had except by a majority, and in the House of Representatives a majority, being responsible, should have full power and should exercise that power; otherwise the majority is inefficient and does not perform its function. The office of the minority is to put the majority on its good behavior, advocating, in good faith, the policies which it professes, ever ready to take advantage of the mistakes of the majority party, and appeal to the country for its vindication.

From time to time heretofore the majority has become the minority, as in the present case, and from time to time hereafter the majority will become the minority. The country be-



lieves that the Republican party has a majority of 44 in the House of Representatives at this time; yet such is not the case.

The present Speaker of the House has, to the best of his ability and judgment, cooperated with the Republican party, and so far in the history of this Congress the Republican party in the House has been enabled by a very small majority, when the test came, to legislate in conformity with the policies and the platform of the Republican party. Such action of course begot criticism—which the Speaker does not deprecate—on the part of the minority party.

The Speaker can not be unmindful of the fact, as evidenced by three previous elections to the Speakership, that in the past he has enjoyed the confidence of the Republican party of the country and of the Republican Members of the House; but the assault upon the Speaker of the House by the minority, supplemented by the efforts of the so-called insurgents, shows that the Democratic minority, aided by a number of so-called insurgents, constituting 15 per cent of the majority party in the House, is now in the majority, and that the Speaker of the House is not in harmony with the actual majority of the House, as evidenced by the vote just taken.

There are two courses open for the Speaker to pursue—one is to resign and permit the new combination of Democrats and insurgents to choose a Speaker in harmony with its aims and purposes. The other is for that combination to declare a vacancy in the office of Speaker and proceed to the election of a new Speaker. After consideration, at this stage of the session of the House, with much of important legislation pending involving the pledges of the Republican platform and their crystallization into law, believing that his resignation might consume weeks of time in the reorganization of the House, the Speaker, being in harmony with Republican policies and desirous of carrying them out, declines by his own motion to precipitate a contest upon the House in the election of a new Speaker, a contest that might greatly endanger the final passage of all legislation necessary to redeem Republican pledges and fulfill Republican promises. This is one reason why the Speaker does not resign at once; and another reason is this: In the judgment of the present Speaker, a resignation is in and of itself a confession of weakness or mistake or an apology for past actions. The Speaker is not conscious of having done any political wrong. [Loud applause on the Republican side.] The same rules are in force in this House that have been in force for two decades. The Speaker has construed the rules as he found them and as they have been construed by previous Speakers from Thomas B. Reed's incumbency down to the present time.

Heretofore the Speakers have been members of the Committee on Rules, covering a period of sixty years, and the present Speaker has neither sought new power nor has he unjustly used that already conferred upon him.

There has been much talk on the part of the minority and the insurgents of the "czarism" of the Speaker, culminating in the action taken to-day. The real truth is that there is no coherent Republican majority in the House of Representatives. [Loud applause on the Republican side.] Therefore, the real majority ought to have the courage of its convictions [applause on the Republican side], and logically meet the situation that confronts it.

The Speaker does now believe, and always has believed, that this is a government through parties, and that parties can act only through majorities. The Speaker has always believed in and bowed to the will of the majority in convention, in caucus, and in the legislative hall, and to-day profoundly believes that to act otherwise is to disorganize parties, is to prevent coherent action in any legislative body, is to make impossible the reflection of the wishes of the people in statutes and in laws.

The Speaker has always said that, under the Constitution, it is a question of the highest privilege for an actual majority of the House at any time to choose a new Speaker, and again notifies the House that the Speaker will at this moment, or at any other time while he remains Speaker, entertain, in conformity with the highest constitutional privilege, a motion by any Member to vacate the office of the Speakership and choose a new Speaker [loud applause on the Republican side]; and, under existing conditions, would welcome such action upon the part of the actual majority of the House, so that power and responsibility may rest with the Democratic and insurgent Members who, by the last vote, evidently constitute a majority of this House. The Chair is now ready to entertain such motion. [Loud and long-continued applause on the Republican side; great confusion in the Hall.]

Mr. BURLESON. Mr. Speaker, I offer the following resolution.

Mr. SHERLEY. Mr. Speaker, I move that the House do now adjourn.

Mr. TAWNEY. The gentleman from Texas has been recognized.

Mr. SHERLEY. The motion is not debatable.

The SPEAKER. The gentleman from Texas.

Mr. SHERLEY. I make the point of order that the gentleman from Nebraska offered a motion to adjourn—

Mr. BURLESON. I demand the reading of my resolution.

Mr. SHERLEY (continuing). And out of courtesy to the Speaker, withheld it pending the Speaker's remarks to the House. That motion is now properly before the House.

Mr. LOUDENSLAGER. We have no rules now.

Mr. SABATH. A motion to adjourn is always in order. [Great confusion in the Hall.]

Mr. BURLESON. I ask for the reading of the resolution, and demand the previous question on its adoption.

Several MEMBERS. It has not been read.

The SPEAKER. No business can be transacted until the House is in order. For what purpose does the gentleman rise?

Mr. BURLESON. I ask for the reading of the resolution, and upon that resolution I demand the previous question.

Mr. SHERLEY. Mr. Speaker, I make the point of order that the motion—

The SPEAKER. The Chair is not advised, and is trying to find out what the motion of the gentleman from Texas is.

Mr. SHERLEY. I make the point of order that there is now pending before the House a motion to adjourn, which is not debatable. [Cries of "No!" "No!" and great confusion in the Hall.]

Mr. BURLESON. I demand the reading of the resolution.

The SPEAKER. The House will be in order. Gentlemen will be seated. No rights shall be lost and no unparliamentary action had in the premises. There are matters that take precedence of a motion to adjourn. [Loud applause on the Republican side.] Speaker Carlisle and many other Speakers have so ruled. Until the Chair knows what it is that the gentleman from Texas proposes the Chair does not know whether the motion to adjourn is of superior quality.

Mr. BURLESON. I demand the reading of the resolution.

Mr. SHERLEY. I make the point of order that there is a motion to adjourn pending.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

*Resolved*, That the office of Speaker of the House of Representatives is hereby declared to be vacant, and the House of Representatives shall at once proceed to the election of a Speaker.

Mr. BURLESON. On that I move the previous question.

Mr. DWIGHT. I move the previous question.

Mr. SHERLEY. Now, Mr. Speaker, I insist that the gentleman from Nebraska had made a motion to adjourn, which he temporarily withheld; and the motion offered by the gentleman from Texas does not take precedence. The only motion before the House is the motion to adjourn.

Mr. MADDEN. I make the point of order that there is no motion pending for adjournment.

The SPEAKER. The House will be in order. The Sergeant-at-Arms will request gentlemen to take their seats. All gentlemen will be seated. [Great confusion in the Hall.]

The Sergeant-at-Arms will request gentlemen in the aisles to be seated. The House will be in order.

Does the gentleman from Nebraska make a motion to adjourn?

Mr. BURLESON. Mr. Speaker, I believe I have the floor.

Mr. NORRIS. I had made a motion to adjourn and withheld it at the request of the Speaker, so that he could make a statement. That is the situation.

The SPEAKER. The Speaker would be pleased if the gentleman would withdraw it. The Speaker having now heard what the resolution of the gentleman from Texas is, the motion to adjourn is in order; but the Speaker would be gratified if it might be withdrawn.

Mr. JAMES. A point of order.

Mr. RODENBERG. Show your nerve. [Great confusion in the House.]

Mr. JAMES. I make the point of order that the resolution is of the highest privilege, and therefore takes precedence of a motion to adjourn.

Mr. BURLESON. Mr. Speaker—

The SPEAKER. The House will please be in order. The Chair desires to say this is a question of high constitutional privilege, but if in the consideration of that question the House should desire to adjourn, the Chair is of the opinion that the House can adjourn. A conference report was admitted to interrupt a roll call; but after having interrupted the roll call, and being presented, it did not prevent the House from adjourning. That was done in Speaker Carlisle's time; and it was held that that does not deprive the House of the power to

adjourn. It can be presented and pending, and all questions under the rules of consideration raised and any parliamentary motion made, but the motion to adjourn would have to be entertained by the Speaker; otherwise the House might remain in session for a week. While the Chair would be glad for the resolution to be acted upon at once, yet the Chair can not help entertaining the motion to adjourn.

Mr. HARDWICK. A parliamentary inquiry, Mr. Speaker.

Mr. MADDEN. A point of order. The point of order is, Mr. Speaker, that the gentleman from Nebraska can not make a motion to adjourn and withhold it at the same time and still have it pending.

Mr. NORRIS. I withheld it at the request of the Speaker, and nobody objected.

Mr. HARDWICK. A parliamentary inquiry. The gentleman withheld it, at the request of the Speaker, while the Speaker made a statement. Now, the motion to adjourn is always in order unless some gentleman has the floor. [Great confusion in the Hall and cries of "Vote it down!"]

The SPEAKER. Does the gentleman from Nebraska make the motion? The Chair wants to know whether he understands the gentleman made the motion to adjourn and withdrew it.

Several MEMBERS. He withdrew it.

Mr. NORRIS. I did not. I withheld it, at the request of the Speaker.

The SPEAKER. Does the gentleman renew the motion?

Mr. NORRIS. It does not need renewal. I have not withdrawn it.

Mr. JONES. If he does, I renew it.

Mr. NORRIS. It has been withheld, and I only did that as a courtesy to the Chair, that he might make a statement.

The SPEAKER. It occurs to the Chair that the gentleman from Nebraska is correct. So, as many as are in favor of the motion to adjourn will say "aye;" those opposed will say "no."

The question was taken. [Great confusion in the Hall.]

The SPEAKER. The yeas have it; the House refuses to adjourn. The gentleman from Texas.

Mr. BURLESON. Mr. Speaker, the resolution I have offered is simple in its terms and easily understood—

Mr. NORRIS. Mr. Speaker, I never heard the announcement on the vote, on account of the confusion.

The SPEAKER. The gentleman from Nebraska says that the confusion was so great he did not hear the Speaker when he announced that the House refused to adjourn. The Chair recognizes the confusion was great. What is the request of the gentleman?

Mr. NORRIS. I demand the yeas and nays.

Mr. TAWNEY. I make the point of order that the demand comes too late.

Mr. NORRIS. Are you afraid of going on record? Are you afraid to see where the combination is?

The SPEAKER. The Chair thinks, on account of the confusion, that the demand should be allowed. As many as are in favor of ordering the yeas and nays will rise and stand until counted. The Chair will count all gentlemen standing. [After counting.] Fourteen gentlemen have arisen; not a sufficient number; the yeas and nays are refused, and the House declines to adjourn.

Mr. BURLESON. Mr. Speaker, the resolution I have offered is simple in its terms and easily understood. It needs no discussion in order to elucidate its purpose. I demand the previous question on the resolution.

The SPEAKER. The gentleman from Texas demands the previous question on the resolution. The question is on ordering the previous question.

Mr. DWIGHT. On that I demand the yeas and nays.

The SPEAKER. The gentleman from New York demands the yeas and nays. [Several Members on the Republican side, "No!" "No!"]

Mr. DWIGHT. I withdraw the demand.

The SPEAKER. The demand is withdrawn. As many as are in favor of ordering the previous question will rise and stand until they are counted. The Chair will count all gentlemen standing. [After counting.] Two hundred and seventy gentlemen have arisen; the yeas will be seated and the yeas will rise. [After a pause.] No vote in the negative. The previous question is ordered. The question is on agreeing to the resolution.

Mr. TAWNEY. On that I demand the yeas and nays.

Mr. UNDERWOOD. I demand the yeas and nays.

The question was taken, and the yeas and nays were ordered.

The SPEAKER. The resolution will be again reported.

Mr. TAWNEY. Mr. Speaker, I ask that the resolution be read again before the roll call begins.

The SPEAKER. Without objection, the resolution will be again reported.

The Clerk began to read the resolution.

Mr. TAWNEY. I demand before the reading of the resolution the House shall be brought to order, so that we may understand what it is.

The SPEAKER. The House will be in order. [After a pause.] The Clerk will report the resolution.

The Clerk read as follows:

Resolved, That the office of Speaker of the House of Representatives is hereby declared to be vacant, and the House of Representatives shall at once proceed to the election of a Speaker.

Mr. CLARK of Florida. Mr. Speaker—

The SPEAKER. Hold on a minute.

Mr. CLARK of Florida. A parliamentary inquiry.

The SPEAKER. The gentleman from New York [Mr. PAYNE] will take the Chair. [Great applause on the Republican side.]

Mr. CLARK of Florida. A parliamentary inquiry.

Mr. PAYNE took the chair amidst loud applause on the Republican side.

Mr. CLARK of Florida. A parliamentary inquiry.

The SPEAKER pro tempore. Before any business is transacted the House will be in order. All gentlemen will be seated. Gentlemen standing in front will be seated; gentlemen standing in the aisles will be seated.

Mr. CLARK of Florida. A parliamentary inquiry.

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. CLARK of Florida. A parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. CLARK of Florida. Will it be in order to move an amendment to the resolution?

The SPEAKER pro tempore. It will not. The House has ordered the previous question.

Mr. CLARK of Florida. That CHAMP CLARK, of Missouri, be elected Speaker. [Loud applause on the Democratic side.]

Mr. TAWNEY. That motion will be in order when the House has voted in favor of the resolution just now offered.

The SPEAKER pro tempore. The yeas and nays have been ordered on the resolution. The Clerk will call the roll. As many as are in favor of the adoption of the resolution will, as their names are called, answer "yea," those opposed will answer "nay;" and again the Chair cautions the House to keep in order during the roll call.

The question was taken; and there were—yeas 155, nays 192, answered "present" 8, not voting 33, as follows:

#### YEAS—155.

Adair	Denver	Howard	Ransdell, La.
Adamson	Dickinson	Hughes, Ga.	Rauch
Alken	Dickson, Miss.	Hughes, N. J.	Rhinock
Alexander, Mo.	Dies	Hull, Tenn.	Richardson
Ansberry	Dixon, Ind.	Humphreys, Miss.	Riordan
Ashbrook	Driscoll, D. A.	James	Robinson
Barnhart	Edwards, Ga.	Johnson, Ky.	Roddenberry
Bartlett, Ga.	Ellerbe	Johnson, S. C.	Rothermel
Bartlett, Nev.	Ferris	Jones	Rucker, Colo.
Beall, Tex.	Finley	Keliher	Rucker, Mo.
Bell, Ga.	Fitzgerald	Kinkadee, N. J.	Russell
Boehne	Flood, Va.	Kitchin	Sabath
Booher	Floyd, Ark.	Lamb	Shackelford
Borland	Fornes	Latta	Sharp
Bowers	Foster, Ill.	Lee	Sheppard
Brantley	Gallagher	Lenroot	Sherley
Broussard	Garner, Tex.	Lindbergh	Sherwood
Burleson	Garrett	Lindsay	Sims
Burnett	Gill, Md.	Livingston	Sisson
Byrd	Gill, Mo.	Cloyd	Slayden
Byrns	Gillespie	McDermott	Small
Candler	Gilmore	McHenry	Smith, Tex.
Cantrill	Godwin	Maguire, Nebr.	Sparkman
Carlin	Goldfogle	Martin, Colo.	Spight
Carter	Gordon	Moore, Tex.	Stanley
Cary	Graham, Ill.	Morrison	Stephens, Tex.
Clark, Mo.	Gregg	Moss	Talbott
Clayton	Gronna	Murdock	Taylor, Colo.
Cline	Hamill	Nelson	Thomas, Ky.
Collier	Hamlin	Oldfield	Thomas, N. C.
Conry	Hammond	Padgett	Tou Velle
Cooper, Wis.	Hardwick	Page	Turnbull
Covington	Hardy	Palmer, A. M.	Underwood
Cox, Ind.	Hay	Patterson	Watkins
Cox, Ohio	Helm	Peters	Webb
Craig	Henry, Tex.	Poindexter	Wickliffe
Cullop	Hitchcock	Pou	Willett
Davis	Hobson	Pujo	Wilson, Pa.
Dent	Houston	Rainey	

#### NAYS—192.

Alexander, N. Y.	Boutell	Cook	Diekema
Allen	Bradley	Cooper, Pa.	Dodds
Ames	Brownlow	Coudrey	Douglas
Andrus	Burke, Pa.	Cowles	Draper
Austin	Burke, S. Dak.	Creager	Driscoll, M. E.
Barchfield	Burleigh	Crow	Durey
Barclay	Butler	Crumpacker	Dwight
Barnard	Calder	Currier	Edwards, Ky.
Bartholdt	Calderhead	Dalzell	Ellis
Bates	Campbell	Davidson	Englebright
Bennett, Ky.	Cocks, N. Y.	Dawson	Fassett
Bingham	Cole	Denby	Fish



Focht	Huff	Madden	Sheffield
Foelker	Hughes, W. Va.	Madison	Simmons
Fordney	Hull, Iowa	Malby	Smith, Cal.
Foss	Humphrey, Wash.	Mann	Smith, Iowa
Poster, Vt.	Johnson, Ohio	Martin, S. Dak.	Smith, Mich.
Fowler	Joyce	Miller, Kans.	Snapp
Fuller	Kahn	Miller, Minn.	Southwick
Gaines	Kelley	Millington	Sperry
Gardner, Mass.	Kendall	Mondell	Stafford
Gardner, Mich.	Kennedy, Iowa	Moon, Pa.	Steenerson
Gardner, N. J.	Kennedy, Ohio	Moore, Pa.	Sterling
Gillett	Kinkaid, Nebr.	Morehead	Stevens, Minn.
Goebel	Knapp	Morgan, Mo.	Sturgiss
Good	Knowland	Morgan, Okla.	Sulloway
Graft	Kopp	Morse	Swasey
Graham, Pa.	Kronmiller	Moxley	Tawney
Grant	Küstermann	Murphy	Taylor, Ohio
Greene	Lafean	Needham	Tener
Griest	Langham	Norris	Thistlewood
Guernsey	Langley	Nye	Thomas, Ohio
Hamer	Law	Olcott	Tilson
Hamilton	Lawrence	Olmsted	Tirrell
Hanna	Longworth	Palmer, H. W.	Townsend
Haugen	Loud	Parker	Volstead
Hawley	Loudenslager	Parsons	Vreeland
Hayes	Lowden	Payne	Wanger
Heald	Lundin	Pearre	Washburn
Henry, Conn.	McCall	Pickett	Weeks
Higgins	McCreary	Plumley	Wheeler
Hinsaw	McCredie	Pray	Wiley
Hollingsworth	McGuire, Okla.	Prince	Wilson, Ill.
Howell, N. J.	McKinley, Ill.	Reeder	Wood, N. J.
Howell, Utah	McKinney	Reynolds	Woods, Iowa
Howland	McLachlan, Cal.	Roberts	Woodyard
Hubbard, Iowa	McLaughlin, Mich.	Rodenberg	Young, Mich.
Hubbard, W. Va.	McMorran	Scott	Young, N. Y.

## ANSWERED "PRESENT"—8.

Cassidy	Estopinal	Harrison	Lever
Clark, Fla.	Goulden	Korbly	Pratt

## NOT VOTING—33.

Anderson	Fairchild	Macon	Saunders
Anthony	Foulkrod	Maynard	Slomp
Bennet, N. Y.	Garner, Pa.	Mays	Sulzer
Burgess	Glass	Moon, Tenn.	Taylor, Ala.
Capron	Heflin	Mudd	Wallace
Chapman	Hill	Nicholls	Weisse
Cravens	Jameson	O'Connell	
Elvins	Leavre	Randell, Tex.	
Esch	McKinlay, Cal.	Reid	

The following additional pair was announced:

Until 5.30 to-day:

Mr. BENNET of New York with Mr. HARRISON.

Mr. HARRISON. Mr. Speaker, did the gentleman from New York [Mr. BENNET] vote?

The SPEAKER pro tempore. He did not.

Mr. HARRISON. I voted "aye," and I wish to withdraw that vote and be marked "present."

The Clerk called the name of Mr. HARRISON, and he answered "present," as above recorded.

Mr. KORBLY. Mr. Speaker, I am paired with the gentleman from Missouri [Mr. ELVINS], and I wish to withdraw my vote of "aye" and be marked "present."

The Clerk called Mr. KORBLY's name, and he answered "present," as above recorded.

Mr. GRONNA. Mr. Speaker, I wish to change my vote. I voted "no," and I wish to change it to "aye."

The Clerk called the name of Mr. GRONNA, and he voted "aye," as above recorded.

The SPEAKER pro tempore. On this question the "ayes" are 155, the "noes" 192, "present" 8, and the resolution is not agreed to. [Loud applause on the Republican side.]

The Speaker resumed the chair.

## LEAVE OF ABSENCE.

Mr. HUBBARD of West Virginia, by unanimous consent, was given leave of absence for ten days on account of important business.

## ADJOURNMENT.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

Mr. MANN. Good! This side of the House makes the motion. [Laughter.]

The motion was agreed to.

Accordingly (at 5 o'clock and 30 minutes p. m.) the House adjourned until to-morrow, Sunday, March 20, at 1 o'clock p. m.

## EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Interior, transmitting a statement of the expenditure of the appropriation for the Indian Service for the fiscal year ended June 30, 1909 (H. Doc. No. 799)—to the Committee on Expenditures in the Interior Department and ordered to be printed.

2. A letter from the Secretary of the Interior, transmitting a report of the expenditures of the Indian school funds (H. Doc. No. 800)—to the Committee on Indian Affairs and ordered to be printed.

3. A letter from the Secretary of the Interior, transmitting a report of certain open-market purchases (H. Doc. No. 801)—to the Committee on Expenditures in the Interior Department and ordered to be printed.

4. A letter from the Secretary of the Interior, transmitting a report of diversions of appropriation for pay of specified employees in the Indian Service (H. Doc. No. 802)—to the Committee on Expenditures in the Interior Department and ordered to be printed.

5. A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting an estimate of appropriation for barracks and quarters for the army in the Philippines (H. Doc. No. 803)—to the Committee on Appropriations and ordered to be printed.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. PEARRE, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 5252) to authorize the closing of a part of Forty-first street NW., in the District of Columbia, and for other purposes, reported the same with amendment, accompanied by a report (No. 788), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

## PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. HANNA: A bill (H. R. 23226) making drunkenness in the District of Columbia a misdemeanor, and to provide a hospital for inebriates, and for other purposes—to the Committee on the District of Columbia.

By Mr. TAWNEY: Resolution (H. Res. 501) providing for a registry and money-order clerk in the House post-office in lieu of one messenger—to the Committee on Accounts.

## PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ANDREWS: A bill (H. R. 23227) granting an increase of pension to Eleno Samora—to the Committee on Pensions.

By Mr. ASHBROOK: A bill (H. R. 23228) granting a pension to Amanda Landers—to the Committee on Pensions.

By Mr. BENNET of New York: A bill (H. R. 23229) granting an increase of pension to Mary E. Kirby—to the Committee on Pensions.

Also, a bill (H. R. 23230) granting an increase of pension to William Shean—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23231) granting an increase of pension to H. L. Dunton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23232) granting a pension to Theresa Sheidmantel—to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 23233) granting an increase of pension to William T. Smashey—to the Committee on Invalid Pensions.

By Mr. COVINGTON: A bill (H. R. 23234) for the relief of Pay Director Worthington Goldsborough, U. S. Navy—to the Committee on Naval Affairs.

By Mr. HAWLEY: A bill (H. R. 23235) granting a tract of land to the city of Tillamook, Oreg., for the purpose of widening the waterway at that city—to the Committee on the Public Lands.

By Mr. HOLLINGSWORTH: A bill (H. R. 23236) granting an increase of pension to Simeon J. Stone—to the Committee on Invalid Pensions.

By Mr. JOHNSON of Ohio: A bill (H. R. 23237) granting a pension to Rufus A. Theis—to the Committee on Pensions.

By Mr. KOPP: A bill (H. R. 23238) granting an increase of pension to Joel Nuzum—to the Committee on Invalid Pensions.

By Mr. LAMB: A bill (H. R. 23239) for the relief of Andromeda C. Meagher—to the Committee on Invalid Pensions.

By Mr. LAW: A bill (H. R. 23240) to remove the charge of desertion standing against Thomas Devine—to the Committee on Naval Affairs.

Also, a bill (H. R. 23241) to remove the charge of desertion against William Davey—to the Committee on Military Affairs.

By Mr. LOWDEN: A bill (H. R. 23242) for the relief of W. J. Forth—to the Committee on Claims.

By Mr. McGUIRE of Oklahoma: A bill (H. R. 23243) for the relief of Frank J. Boudinot—to the Committee on Indian Affairs.

By Mr. A. MITCHELL PALMER: A bill (H. R. 23244) granting an increase of pension to Samuel Moyer—to the Committee on Invalid Pensions.

By Mr. PARKER: A bill (H. R. 23245) for the relief of Silas A. Bryant—to the Committee on Claims.

By Mr. REYNOLDS: A bill (H. R. 23246) granting an increase of pension to John S. Sellers—to the Committee on Invalid Pensions.

By Mr. RUSSELL: A bill (H. R. 23247) for the relief of the estate of J. N. White, deceased—to the Committee on Claims.

Also, a bill (H. R. 23248) for the relief of the heirs of John Osborne, deceased—to the Committee on War Claims.

By Mr. TAYLOR of Colorado: A bill (H. R. 23249) granting a pension to Samuel H. Caldwell—to the Committee on Invalid Pensions.

By Mr. WILLETT: A bill (H. R. 23250) granting an increase of pension to Mary E. Smith—to the Committee on Invalid Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALEXANDER of New York: Petition of N. J. Swift Post, No. 444, Grand Army of the Republic, against retention of the Lee statue in Statuary Hall—to the Committee on the Library.

By Mr. ANDRUS: Petition of Sawpit Council, No. 30, Loyal Association, for House bill 17543—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Irvington, N. Y., against the establishment of postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. ANSBERRY: Petition of presidents of various universities against an appropriation for the George Washington University—to the Committee on Agriculture.

Also, petition of 12,000 members of the Royal Arcanum in Ohio, for House bill 17543—to the Committee on the Post-Office and Post-Roads.

By Mr. ASHBROOK: Petition of 41 members of the Coshocton (Ohio) Labor Council, favoring what is known as the eight-hour bill—to the Committee on Labor.

Also, petition of the Associated Fraternities of America, in favor of House bill 21321, and against an increase in the postal rates—to the Committee on the Post-Office and Post-Roads.

Also, petition of 12,000 members of the Royal Arcanum of Ohio, against increased postal rates—to the Committee on the Post-Office and Post-Roads.

Also, paper to accompany bill for relief of John Morgan—to the Committee on Invalid Pensions.

By Mr. BENNET of New York: Petition of New York Board of Trade and Transportation, protesting against House bill 21334, the Moon bill, on injunctions and restraining orders—to the Committee on the Judiciary.

Also, papers to accompany bills for relief of H. L. Dunton, Mary E. Kirby, Theresa Sheidmantel, and William Shean—to the Committee on Invalid Pensions.

By Mr. BUTLER: Petition of Branch No. 31, Glass Bottle Blowers' Association, of Spring City, Pa., favoring an eight-hour workday on all work done for the Government by contract or subcontract—to the Committee on Labor.

By Mr. CALDER: Petition of Monterey Society for the Prevention of Cruelty to Animals, for House bill 19041, the minimum-speed bill for transportation of live stock—to the Committee on Interstate and Foreign Commerce.

By Mr. CALDERHEAD: Petition of citizens of Republic and citizens of Clay Center, Kans., for legislation to prevent shipment of liquor from one State into another—to the Committee on Interstate and Foreign Commerce.

By Mr. CASSIDY: Petition of Cleveland Lodge, No. 5, Brotherhood of Boiler Makers, for the boiler-inspection bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of E. W. Donovan, president Associated Charities of America, on behalf of 7,000,000 fraternalists that the fifth paragraph of House bill 21321 be changed to allow fraternal periodicals carrying advertising to be classed as second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of Musical Industry Merchant Marine League of New York, favoring legislation to restore merchant marine—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Karl T. Karlson and 23 other citizens of Cleveland, Ohio, favoring House bill 15441, for an eight-hour day on government works—to the Committee on Labor.

Also, petition of Riverside Council, No. 673, Royal Arcanum, of Cleveland, Ohio, against ruling of Post-Office Department in depriving fraternal periodicals of the right to carry advertising—to the Committee on the Post-Office and Post-Roads.

By Mr. COCKS of New York: Petition of Sunswick Council, No. 1374, Royal Arcanum, favoring House bill 17543—to the Committee on the Post-Office and Post-Roads.

By Mr. ELLIS: Petition of Powell Butte Grange, No. 383, Patrons of Husbandry, of Oregon, for parcels-post legislation—to the Committee on the Post-Office and Post-Roads.

By Mr. FITZGERALD: Petition of Porto Rico Horticultural Society, against proposed changes in the organic act of Porto Rico in so far as it restricts the present jurisdiction of the United States court for Porto Rico—to the Committee on Insular Affairs.

Also, petition of New York Board of Trade and Transportation, against Senate bill 5106, that all steamship lines having rail connections with rail-and-water routes shall be subject to the interstate-commerce law with reference to their port-to-port traffic—to the Committee on Interstate and Foreign Commerce.

Also, petition of New York Board of Trade and Transportation, favoring repeal of publicity clause of the corporation-tax law—to the Committee on Ways and Means.

Also, petition of citizens of Gloversville, N. Y., for repeal of the Dick military law—to the Committee on Military Affairs.

Also, petition of New York Board of Trade and Transportation, against the Moon bill (H. R. 21334), relative to injunctions—to the Committee on the Judiciary.

Also, petition of Polonia Benevolent Association, Branch No. 30, of Polish National Alliance of America, against the so-called Hayes bill, amending immigration law—to the Committee on Immigration and Naturalization.

By Mr. FOCHT: Paper to accompany bill for relief of John Chamberlin—to the Committee on Invalid Pensions.

By Mr. FORNES: Petition of New York Board of Trade and Transportation, against Senate bill 5106, relative to American coastwise port-to-port traffic—to the Committee on Interstate and Foreign Commerce.

Also, petition of the New York Board of Trade and Transportation, against the publicity-feature clause in the corporation-tax law—to the Committee on Ways and Means.

Also, petition of New York Board of Trade and Transportation, against the Moon bill (H. R. 21334) to prevent issuance of injunction and restraining order—to the Committee on the Judiciary.

Also, petition of Manufacturers and Dealers' League of City and State of New York, against publicity feature of the corporation-tax law—to the Committee on Ways and Means.

By Mr. FOSS: Petition of citizens of Illinois, for an eight-hour law on government works (H. R. 15441)—to the Committee on Labor.

By Mr. FULLER: Petition of the Musical Industry Merchant Marine League of New York, favoring legislation concerning the restoration of the merchant marine—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Associated Fraternities of America, of Detroit, Mich., against House bill (H. R. 21321) relative to the revision and codification of postal laws, etc.—to the Committee on the Post-Office and Post-Roads.

By Mr. GOLDFOGLE: Petition of the Municipal Art Society, National Society of Mural Painters, and Ray Brown, of New York City, for an appropriation for proper representation of the United States at the Italian exposition to be held in 1911—to the Committee on Industrial Arts and Expositions.

Also, petitions of Auto-Piano Company and Auto-Pneumatic Action Company, of New York City, against publicity clause of the corporation-tax law—to the Committee on Ways and Means.

Also, petition of Edward H. Dutton, of New York City, against an increase in the postage rate of periodicals—to the Committee on the Post-Office and Post-Roads.

Also, petition of Webster P. Huntington, secretary of Perry's Victory Centennial, favoring House bill 16363—to the Committee on Industrial Arts and Expositions.

Also, petition of legislative committee of the National Association of State Universities, against an appropriation for the George Washington University—to the Committee on Agriculture.

Also, petition of Downtown Taxpayers' Association, for eight-hour bill (H. R. 15441)—to the Committee on Labor.



Also, petition of Anthony Wayne Memorial Building Association, for an appropriation for memorial to Gen. Anthony Wayne—to the Committee on the Library.

Also, petition of committee on postal savings banks of American Bankers' Association, opposing the postal savings-bank bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of Religious Liberty Bureau, against a law favoring Sunday observance in the District of Columbia (S. 404)—to the Committee on the District of Columbia.

Also, petition of Maritime Association of the Port of New York, against transferring pilot charts from the Hydrographic Office of the Navy to the Agricultural Department—to the Committee on the Merchant Marine and Fisheries.

Also, petition of William Green, of New York City, for House bill 3075, prohibiting printing of advertisements and cards on stamped envelopes—to the Committee on the Post-Office and Post-Roads.

Also, petition of Retail Cigar and Tobacco Dealers' Association of Philadelphia, for abolition of coupons and gift schemes in connection with the tobacco trade—to the Committee on Ways and Means.

Also, petition of Religious Liberty Association, of Takoma Park, District of Columbia, in opposition to the passage of the Johnston Sunday bill (S. 404)—to the Committee on the District of Columbia.

Also, petitions of Tim & Co.; Walter Coles Cable; United Shirt and Collar Company, of Troy, N. Y.; National Association of Box Manufacturers, of Chicago, Ill.; Franklin H. Kalbfleisch Company, of New York; and Milton Piano Company, against publicity feature of the corporation-tax law—to the Committee on Ways and Means.

Also, petition of New York Typographical Union, No. 6, of New York City, in opposition to proposed increased rate of postage on periodicals—to the Committee on the Post-Office and Post-Roads.

By Mr. GOULDEN: Petition of adjutant-general of New York State, favoring House bill 22839, for expenses of militia in joint encampment—to the Committee on Militia.

Also, petition of Manufacturers and Dealers' League, of New York, against publicity feature of the corporation-tax law—to the Committee on Ways and Means.

Also, petition of executive council of Porto Rico, favoring amendment of Porto Rican franchise—to the Committee on Insular Affairs.

Also, petition of Manufacturers and Dealers' League of City and State of New York, against publicity feature of the corporation-tax law—to the Committee on Ways and Means.

Also, petition of Associated Fraternities of America, against House bill 21321, relative to postal laws as affecting fraternal publications—to the Committee on the Post-Office and Post-Roads.

By Mr. GRIEST: Petition of Lancaster (Pa.) Negro Business League of the United States, for the resolution in the interest of the National Negro Exposition, fiftieth anniversary of the emancipation of the negro people from slavery—to the Committee on Industrial Arts and Expositions.

By Mr. HAWLEY: Petition of transportation committee of the Chamber of Commerce of Portland, Oreg., against placing water lines under Interstate Commerce Commission (H. R. 17536)—to the Committee on Interstate and Foreign Commerce.

By Mr. HOLLINGSWORTH: Paper to accompany a bill for relief of Simeon J. Stone—to the Committee on Invalid Pensions.

By Mr. HOUSTON: Petition of citizens of Bedford County, Tenn., against the passage of Senate bill 404—to the Committee on the District of Columbia.

By Mr. HUBBARD of West Virginia: Petition of John L. Jacox and 79 other citizens, for an eight-hour law on government works (H. R. 15441)—to the Committee on Labor.

By Mr. HUFF: Petitions of the German Singing Society Frohsinn, of Westmoreland County; Branch of the German-American Alliance of Pennsylvania, of Butler, Pa.; Westmoreland County Branch of the German-American Alliance of Pennsylvania, of Monessen; associated societies of Mount Pleasant, Smithson, and Herminie, Pa.; and the German Sick Relief Society of Latrobe, Pa., against any law to increase federal tax on alcoholic liquors or to place prohibitive restrictions upon those engaged in the manufacture or the sale of same—to the Committee on Ways and Means.

Also, petition of Jefferson Grange, No. 1373, Patrons of Husbandry, of Butler, Pa., for Senate bill 5842, oleomargarine bill—to the Committee on Agriculture.

By Mr. KINKEAD of New Jersey: Petition of Bergen Chapter, Daughters of the American Revolution, for retention of Division of Information in the Bureau of Immigration and Naturalization in the Department of Commerce and Labor—to the Committee on Immigration and Naturalization.

By Mr. KNAPP: Petition of New York Board of Trade and Transportation, against publicity feature of the corporation-tax law—to the Committee on Ways and Means.

Also, petition of New York Board of Trade and Transportation, opposing House bill 17536, to extend jurisdiction of Interstate Commerce Commission over water transportation lines—to the Committee on Interstate and Foreign Commerce.

Also, petition of New York Board of Trade and Transportation, against the Moon bill (H. R. 21334)—to the Committee on the Judiciary.

By Mr. LAMB: Paper to accompany bill for relief of Andromeda C. Meagher—to the Committee on Invalid Pensions.

By Mr. McHENRY: Petition of Grange No. 34, of Strawberry Ridge, Pa., favoring oleomargarine bills, in the House by Mr. McHENRY and in the Senate by Mr. PENROSE (S. 5842)—to the Committee on Agriculture.

By Mr. A. MITCHELL PALMER: Petition of Pennsylvania Fraternal Congress and Royal Arcanum of Mauch Chunk, Pa., for House bill 17543—to the Committee on the Post-Office and Post-Roads.

By Mr. REYNOLDS: Petition of Order of Patrons of Husbandry, Grange No. 1104, for Senate bill 5842, governing traffic in oleomargarine—to the Committee on Agriculture.

By Mr. ROBERTS: Petition of Quincy Board of Trade, favoring the ocean mail bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. SULLOWAY: Petition of citizens of Concord, N. H., favoring the passage of the Gardner bill (H. R. 15441) for eight-hour law on government work—to the Committee on Labor.

By Mr. WILLETT: Petition of New York Board of Trade and Transportation, against Senate bill 5106 and House bill 17536, providing that all steamship lines having rail connections with rail-and-water routes shall be subject to the interstate-commerce law with reference to their port-to-port traffic—to the Committee on Interstate and Foreign Commerce.

Also, petition of New York Board of Trade and Transportation, against publicity feature of corporation-tax law—to the Committee on Ways and Means.

Also, petition of New York Board of Trade and Transportation, against House bill 21334, Moon anti-injunction bill—to the Committee on the Judiciary.

## HOUSE OF REPRESENTATIVES.

SUNDAY, March 20, 1910.

The House met at 1 o'clock p. m.

Mr. William J. Browning, as Chief Clerk, called the House to order and read the following:

I hereby designate Hon. ROBERT F. BROUSSARD, of Louisiana, Speaker pro tempore for this day.

J. G. CANNON, Speaker.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D., as follows:

Our Father in heaven, we are assembled here on this sacred day to fulfill a sacred duty in memory of one who for many years faithfully and conscientiously served his State and Nation upon the floor of this House, and when the summons which awaits us all came, he passed to the unknown, where under the benign influences of a heavenly Father he still lives.

Grant, O most merciful Father, that we may so order our lives that when the call comes we shall be ready to enter into that larger life fully prepared to do the work which Thou hast in store for us. We thank Thee for the tender ties of friendship, home, and kindred; and we pray most fervently for those who were thus bound to him, especially his children, that they may be comforted and sustained in the blessed hope of immortality and in the consciousness of Thy love, which changes not, and which at last shall unite them again in the blessed bonds which shall never be broken. And songs of praises we will ever give to Thee in the spirit of the Master. Amen.

The Journal of the proceedings of yesterday was read and approved.

### EULOGIES ON LATE REPRESENTATIVE ROBERT C. DAVEY.

Mr. GILMORE. Mr. Speaker, I offer the following resolution, which I send to the desk and ask to have read.

The Clerk read as follows:

House resolution 503.

Resolved, That the business of the House be now suspended that opportunity may be given for tributes to the memory of Hon. ROBERT C. DAVEY, late a Member of this House from the State of Louisiana.

Resolved, That as a particular mark of respect to the memory of the deceased, and in recognition of his distinguished public career, the House, at the conclusion of these exercises, shall stand adjourned.